

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
THE USE OF E-RATE FUNDS TO)
SUPPORT REMOTE LEARNING)
DURING THE COVID-19 PANDEMIC)

WC Docket 21-31

COMMENTS OF COMMON SENSE

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I. Introduction

Common Sense Media, (collectively “Common Sense”) hereby respectfully submits comments on the Federal Communications Commission (“Commission” or “FCC”) Wireline Competition Bureau request for comment on the use of E-Rate funds to support remote learning during the COVID-19 pandemic.

As schools and libraries have grappled with ways to keep students connected during these unprecedented times, 11 petitions for emergency relief have been submitted to the FCC asking permission to use E-Rate funds to support remote learning during this public health emergency. As the Commission considers requests for emergency relief aimed at ensuring that all students have sufficient connectivity at home, we **respectfully urge the Commission to allow schools and libraries the greatest flexibility possible to use E-Rate funds to connect students to remote learning during this national emergency**. Bridging the digital divide during this time of emergency is critical to reduce learning loss and ensure resilient access to education for the years to come. Common Sense strongly supports getting students back into the classroom safely as quickly as possible. Nonetheless, to connect to distance learning curriculum, all students and teachers need to have access to home broadband internet service and devices. Lack of home access to broadband service and devices is a critical problem educators and students are facing now, will continue to be a barrier to addressing learning loss, and requires the FCC to update E-Rate rules to support schools as they work to ensure all students and teachers have access to the tools required for distance learning. Below are some suggestions to achieve these goals.

II. Background

Common Sense is the nation’s leading independent nonprofit organization dedicated to helping kids and families thrive in a world of media and technology. We empower parents, teachers, and policymakers by providing unbiased information, trusted advice, and innovative tools to help them harness the power of media and technology as a positive force in all kids’ lives. Common Sense has an uncommon reach among parents and teachers, with over 100 million users and half a million educators across its network. Common Sense has long been committed to advocating for broadband connectivity for all children and families, in schools and in homes, regardless of their socioeconomic status and geographic location. Common Sense has

supported E-Rate and Lifeline modernization that help to better connect families online. Common Sense previously has submitted comments in Universal Service Fund proceedings at the Commission that discussed the importance of high-speed internet connectivity for all children's success¹ as well as in response to the coronavirus pandemic as the Commission has worked to better utilize both the Lifeline and E-Rate programs.² We also provided comment on the recently enacted Emergency Broadband Benefit Program.³ During this public health emergency distance learning tools for students and teachers at home will remain essential as some children return to school and others remain in virtual learning settings, and as schools seek to lessen and address learning loss during the pandemic. Access to education technology, including home access to broadband internet service and curriculum-appropriate devices at home, is inextricably linked to educational achievement opportunities for every child, in every state, whether they are learning in school or from home.

As part of Common Sense's mission to improve the lives of all kids, we have focused on the persistent gap between students who have home broadband service and devices capable of meeting educational needs and those who do not. A 2019 Common Sense nationwide survey of teachers revealed troubling evidence of the continuing "homework gap," a divide between students who have home broadband internet access and students who do not. This survey showed that students in lower-income schools continue to miss out on opportunities for learning that will help set them up for success because their teachers are less likely to assign homework requiring digital tools.⁴ As the pandemic has dragged on for nearly a year, the digital divide has exacerbated existing inequities in education, and heightened the urgent need for emergency measures to ensure all students have equal access to distance learning.

When the pandemic first struck in the U.S resulting in school closures, states and schools took significant action to make use of limited federal CARES Act funding, philanthropic

¹ See Comments of Common Sense, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197. <https://www.common sense media.org/sites/default/files/uploads/csm-blog/fcclifelinefiling2.21.18.pdf> (Feb. 21, 2018).

² See Comments of Common Sense, Docket Nos. 11-42, 09-197, 96-45, 17-287. https://ecfsapi.fcc.gov/file/10324600214544/Coronavirus%20Letter%20to%20FCC%20re_%20connectivity%20and%20homework%20gap.pdf. (March 24, 2020).

³ See Comments of Common Sense, Re: W.C. Docket No.20-445. <https://ecfsapi.fcc.gov/file/10126547926608/Common%20Sense%20FCC%20Comment%20on%20New%20Emergency%20Broadband%20Benefit%20Program.pdf>. (Jan. 25, 2021).

⁴ Fazlullah, A., & Ong, S. (2019). The homework gap: Teacher perspectives on closing the digital divide. San Francisco, CA: Common Sense Media.

support, and discounted broadband services from private providers to keep kids connected to remote learning.⁵ However, these efforts continue to fall short. While emergency response measures closed 20% to 40% of the K–12 connectivity divide and 40% to 60% of the device divide as of December 2020 up to 12 million K–12 students remain under-connected.⁶

III. Supported Broadband Service and Devices Should Support Synchronous Remote Learning

In response to the Commission’s question concerning the level of broadband service required for remote learning, it is critical that connectivity support synchronous real time learning such as video conferencing. Common Sense research has identified for a robust distance learning experience, students *and* teachers require:

1. High-speed internet service at home (robust: 200/10 Mbps);
2. Internet-enabled learning devices (excluding cellphones);
3. Distance learning instructional content; and
4. Support, including digital literacy resources, teacher and parent training, and social/emotional resources.⁷

Broadband speeds of 200/10 Mbps allow for a robust level of connectivity that ensures that students are less likely to be interrupted due to connectivity problems.⁸ This speed also allows schools to choose among a wider range of education technologies and develop a more robust curriculum. Deployment of robust speeds for educational opportunities also acknowledges the reality that during this time students will likely be sharing an internet connection with parents and siblings also working from home.⁹

⁵ Ali, T., Chandra, S., Cherukumilli, S., Fazlullah, A., Galicia, E., Hill, H., McAlpine, N., McBride, L., Vaduganathan, N., Weiss, D., Wu, M. (2021). Looking back, looking forward: What it will take to permanently close the K–12 digital divide. San Francisco, CA: Common Sense Media.

⁶ Ibid.

⁷ Chandra, S., Chang, A., Day, L., Fazlullah, A., Liu, J., McBride, L., Mudalige, T., Weiss, D., Closing the K–12 Digital Divide in the Age of Distance Learning. San Francisco, CA: Common Sense Media. Boston, Massachusetts, Boston Consulting Group. (2020).

⁸ Ali, T., Chandra, S., Cherukumilli, S., Fazlullah, A., Galicia, E., Hill, H., McAlpine, N., McBride, L., Vaduganathan, N., Weiss, D., Wu, M. (2021). Looking back, looking forward: What it will take to permanently close the K–12 digital divide. San Francisco, CA: Common Sense Media.

⁹ Ibid.

Analysis by Common Sense and Boston Consulting Group found that for a single user, 25 Mbps / 3 Mbps, is a reasonable minimum standard for student connectivity needs. However, “this minimum speed benchmark corresponds only to each concurrent user’s requirement. Households with multiple users—including parents and family members—will require speeds directly proportional to the number of concurrent users. For example, if two students live in a household and rely on distance learning videoconferencing at the same time, the bandwidth required for a quality experience would be double the minimum requirement: 50 Mbps / 6 Mbps.”¹⁰ As the Commission and educators seek to connect students to virtual classrooms, special attention should be given to ensuring the connectivity provided is sufficient for twenty-first century learning and household needs.

Beyond connectivity needs, students and teachers need laptops or tablets capable of meeting the distance learning requirements of their curriculum, with an understanding that robust distance learning may have different technical requirements based on student age.¹¹ Younger grade level students may be able to successfully participate in distance learning with a tablet; however, higher grade levels and STEM curriculum may require a more robust laptop. We recommend that the Commission work closely with the education community and recognize the need for flexibility among school districts to make independent decisions about the type of connectivity and devices needed to support their students.

IV. The Commission Should Allow for Greater E-Rate Flexibility to Support Cost-Effective Procurement

The Commission seeks to ensure that E-Rate funds should be deployed to target students and teachers who lack sufficient internet access at home during this public health emergency. With this in mind, we urge the Commission to give as much flexibility to school districts as possible in assessing their needs as well as the best solutions for their community. Since the outbreak of COVID-19, school districts have been on the frontlines of the digital divide and are therefore best equipped to understand and respond to their student’s individual needs. As

¹⁰ Chandra, S., Chang, A., Day, L., Fazlullah, A., Liu, J., McBride, L., Mudalige, T., Weiss, D., Closing the K–12 Digital Divide in the Age of Distance Learning. San Francisco, CA: Common Sense Media. Boston, Massachusetts, Boston Consulting Group. Page 17. (2020).

¹¹ Ali, T., Chandra, S., Cherukumilli, S., Fazlullah, A., Galicia, E., Hill, H., McAlpine, N., McBride, L., Vaduganathan, N., Weiss, D., Wu, M. (2021). Looking back, looking forward: What it will take to permanently close the K–12 digital divide. San Francisco, CA: Common Sense Media. Page 18.

indicated by the 11 petitions cited in the Commission’s request for comment on this issue, schools have been navigating these issues in real time and can benefit greatly by increased flexibility to close the digital divide quickly in order to mitigate learning loss. During this public health emergency, schools are likely to have the most recent and relevant information when it comes to correctly assessing student connectivity needs in accordance with school curriculum and affordability considerations based on family financial needs.

Analysis by Common Sense found infrastructure and supply chain limitations are often significant barriers to school districts, particularly to smaller school districts, as they seek to roll out remote learning options during this emergency. Procurement issues and supply chain constraints have meant that school districts often need to be nimble in their approach to securing internet connectivity and devices, sometimes even requiring partnership with providers and local organizations to develop real time solutions to close the digital divide.¹² Where connectivity options that meet the needs of distance learning are lacking schools have partnered with local providers, local government and other key stakeholders to quickly deploy broadband infrastructure targeted to areas of need within the community¹³. Schools have also had greater success procuring both broadband service and devices when able to take advantage of scale and working in consortium with other school districts, regionally or at the state level.¹⁴ The Commission can help to mitigate these procurement issues and support cost effective purchasing by allowing schools the greatest flexibility possible when it comes to deploying E-Rate funds. By waiving certain E-Rate program rules, including the competitive bidding, application, and eligible services rules, schools will be better able to use available funds to address their specific needs in real time. Greater flexibility with respect to device procurement allows schools to purchase devices that adequately meet their distance learning curriculum needs.

Likewise, as the Commission seeks to ensure funds adequately target students that fall into the homework gap, especially low-income students, we encourage flexibility in allowing schools to create the framework for which students might be eligible to receive devices and connectivity through the schools. Assessments based on income or free and reduced lunch

¹² Ali, T., Chandra, S., Cherukumilli, S., Fazlullah, A., Galicia, E., Hill, H., McAlpine, N., McBride, L., Vaduganathan, N., Weiss, D., Wu, M. (2021). Looking back, looking forward: What it will take to permanently close the K–12 digital divide. San Francisco, CA: Common Sense Media.

¹³ Chandra, S., Chang, A., Day, L., Fazlullah, A., Liu, J., McBride, L., Mudalige, T., Weiss, D., Closing the K–12 Digital Divide in the Age of Distance Learning. San Francisco, CA: Common Sense Media. Boston, Massachusetts, Boston Consulting Group. Page 15-16. (2020).

¹⁴ Ibid.

eligibility based on data from years prior might not fully capture the economic hardships of families who have fallen into the digital divide since the onset of the pandemic. Again, schools are best positioned to help students whose families are experiencing recent economic changes when allowed greater flexibility to determine their needs.

V. The Commission Should Allow Schools Greater Flexibility to Determine Distance Learning Needs and Distribution of Support

The digital divide is a major problem in all 50 states, affecting every type of community. Recent analysis by Common Sense and Boston Consulting Group finds that the digital divide is more pronounced in rural communities and for Black, Latinx, and Native American households. For example, while 18 percent of White households lack broadband, 26 percent of Latinx, 30 percent of Black, and 35 percent of Native American student households lack adequate home internet access. In rural communities, 37 percent of students are without a home broadband connection compared to 25 percent in suburban households and 21 percent in urban areas.¹⁵

Allowing schools to create their own framework for needs assessments can allow greater flexibility and ensure that both students and teachers most in need can be helped as quickly as possible. While much emphasis has been placed on students caught in the digital divide, many teachers living in the same communities as their students can also face challenges when it comes to connectivity and devices. As the Commission seeks to ensure funds are used to address the students most hurt by the digital divide, it is critical that schools are entrusted to determine how best to support these students and teachers in an equitable way. Federal benchmarks like free and reduced price lunch eligibility can be used to demonstrate need for E-Rate funding, however, static data based on years old data should not be the sole indicator. During this time of emergency, many families are facing economic hardship and challenges that might not be accurately captured by the same data previously used to assess need. Therefore, schools should be given flexibility to provide connectivity and devices to students whom the school determines need support.

¹⁵ Chandra, S., Chang, A., Day, L., Fazlullah, A., Liu, J., McBride, L., Mudalige, T., Weiss, D., Closing the K–12 Digital Divide in the Age of Distance Learning. San Francisco, CA: Common Sense Media. Boston, Massachusetts, Boston Consulting Group. (2020).

As districts seek to support distance learning, it is necessary that the ultimate program be able to be deployed equitably throughout the school to allow for uniform access. This means ensuring not only that students have robust access but the teachers tasked with creating virtual classrooms have the devices and connectivity necessary to provide a synchronous learning experience for their students. Our report found that in addition to an estimated 16 million students in the digital divide at the onset of the pandemic, there were also 400,000 teachers lacking access to the home connectivity and devices needed to support distance learning.¹⁶ If schools can identify through needs assessment that staff also needs assistance to stand up a robust distance learning curriculum for students, we recommend flexibility in the E-rate program to allow schools deploy support to staff in addition to students.

VI. E-rate funds should be allowed to apply to distance learning support programs started during the pandemic declaration

School districts have gone to extraordinary lengths to keep their students learning during this emergency. As a result of school closures last spring, many schools prioritized their limited funds for distance learning and left other needs unmet. Our research estimated that without direct funding to support the current efforts by states and schools to close the digital divide, these initiatives could stall or be prematurely shuttered.¹⁷ According to the National Cable and Telecommunications Association (NCTA) by November 2020, cable ISPs had participated in hundreds of sponsored service agreements with school districts and community partners to address the distance learning digital divide. NCTA found that this, “represented more than 12,000 schools with roughly 7 million enrolled students—over half of which (roughly 3.7 million students) are eligible for free or reduced-price lunches, which is determining eligibility in many sponsored service programs”.¹⁸ By allowing for E-Rate funds to apply retroactively to services and equipment purchased during funding year 2020 the Commission can ensure schools can continue these efforts to maintain connectivity and devices for the duration of this emergency.

¹⁶Ibid.

¹⁷ Ali, T., Chandra, S., Cherukumilli, S., Fazlullah, A., Galicia, E., Hill, H., McAlpine, N., McBride, L., Vaduganathan, N., Weiss, D., Wu, M. (2021). Looking back, looking forward: What it will take to permanently close the K–12 digital divide. San Francisco, CA: Common Sense Media.

¹⁸ <https://www.ncta.com/whats-new/how-the-cable-industry-is-bridging-the-digital-divide>

Common Sense has previously submitted comments to the Commission on the topic of the Emergency Broadband Benefits Program (EBBP) and we do not view any potential increased flexibility of the E-Rate program to be duplicative of the EBBP.¹⁹ The EBBP is very limited in scope, and it remains unclear how long funding for this limited program will last. Effective distance learning requires consistency to line up a semester or year’s worth of curriculum. Due to the limited funding and duration, the EBBP will not allow for reliable remote learning support for the 2021 school year effectively. School districts are tasked with providing an equitable education to all students for the entirety of the school year and while the EBBP can provide families temporary support there is no guarantee that the connectivity or devices funded by the EBBP would be sufficient to meet the technical specifications needed to support distance learning curriculum.

VII. The Commission has Legal Authority to Support Remote Learning

In March of 2020, Common Sense submitted a letter to the Commission, suggesting the Commission was well positioned to provide more comprehensive connectivity support by making use of its emergency powers to better utilize both the Lifeline and E-Rate program to address the dire need for connectivity for kids and their families.²⁰ By exercising its authority under its universal service principles, the Commission has the opportunity to deploy emergency measures that will bring great relief to the nearly millions of children nationwide who live in homes without a broadband connection. As part of our March 2020 letter to the FCC, we also recommended the FCC should “clarify that schools and libraries do not endanger their E-Rate funding if they choose to leave their wifi network open to students, public or to be used as backhaul”.²¹ As stated in the Schools Health and Libraries Broadband Coalition’s recent petition for declaratory ruling, the Communications Act provides for universal service support for services provided for *educational purposes*. We agree with the SHLB coalition that “there is no question that technological solutions that schools and libraries are deploying or want to deploy to

¹⁹ See Comments of Common Sense, Re: W.C. Docket No.20-445. <https://ecfsapi.fcc.gov/file/10126547926608/Common%20Sense%20FCC%20Comment%20on%20New%20Emergency%20Broadband%20Benefit%20Program.pdf>. (Jan. 25, 2021).

²⁰ See Comments of Common Sense, Docket Nos. 11-42, 09-197, 96-45, 17-287. https://ecfsapi.fcc.gov/file/10324600214544/Coronavirus%20Letter%20to%20FCC%20re_%20connectivity%20and%20homework%20gap.pdf. (March 24, 2020).

²¹ Ibid.

expand broadband accessibility for remote learning during the pandemic will be used for educational purposes” and thus should be eligible for the E-Rate funding.²²

VIII. Conclusion

Access to education technology, including high-speed internet and grade-appropriate devices at home, is inextricably linked to educational achievement opportunities for every child, in every state, whether they are learning in school or from home. For the reasons mentioned above, Common Sense respectfully urges the Commission to support student learning during this public health emergency by allowing schools greater flexibility to use the E-Rate program to support remote learning opportunities.

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²² See SHLB Petition for Declaratory Ruling re: WC Docket No. 13-184.
<https://ecfsapi.fcc.gov/file/101260036427898/SHLB%20Remote%20Learnng%20Petition%201-26-21%20FINAL.pdf>. (Jan. 26, 2021).