

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Using E-Rate Funds to Support
Remote Learning

WC Docket No. 21-31

**COMMENTS FROM EDUCATION AND CIVIL RIGHTS ORGANIZATIONS
REGARDING THE USE OF E-RATE FUNDS TO SUPPORT REMOTE LEARNING
DURING THE COVID-19 PANDEMIC**

RESPECTFULLY SUBMITTED BY:

Alliance for Excellent Education
Association of Latino Administrators and Superintendents
Center for Black Educator Development
Education Leaders of Color
Education Reform Now
KIPP
Learning Policy Institute
National Alliance for Public Charter Schools
National Center for Learning Disabilities
National Urban League
SchoolHouse Connection
Teach Plus
The Education Trust
UnidosUS

February 23, 2021

The above-named education and civil rights organizations appreciate the opportunity to comment on WC Docket No. 21-31 regarding the use of E-Rate funds to support remote learning during the COVID-19 pandemic. In general, we agree with the petitions referenced in the Wireline Competition Bureau's (Bureau's) request for comment regarding the petitioners' requests, and justifications, for permitting E-Rate program funds to support remote learning during this historic public health emergency. We ask the Federal Communications Commission (FCC) to expeditiously revise its E-Rate policy. Specifically, we ask the FCC to permit E-Rate funding to be used in support of high-speed home internet access and connected devices so all children, particularly those who have been historically marginalized, can participate effectively in remote learning.

Students without high-speed home internet and connected devices are at a severe disadvantage in their learning, particularly during the pandemic when so much instruction is taking place on-line. Evidence shows learning loss resulting from the pandemic at a scale we have never seen before, with the greatest losses for those students who have historically been underserved. Data from 2018 show that one in three Black, Latino, and American Indian/Alaska Native households did not have high-speed home internet.¹ Some progress has been made over the past several months, but this progress is largely short-term and still leaves 12 million K–12 students underconnected.²

The fact that families of color are less likely to have the technology and access needed to fully engage in education is one of the many injustices resulting from our nation's long history of educational investments, policies, and practices rooted in racial prejudice. As stated in a recent report

*America's racial inequities stem from 400 years of systemic racism and federally sanctioned discriminatory policies born from this nation's original sins—the enslavement of Black people and the disenfranchisement and forced relocation of American Indian/Alaska Native communities. The fact that Black Americans were not allowed to read; immigrant children were denied equal access to a free public education; and that Black, Latino, and American Indian/Alaska Native communities were excluded from economic opportunities have had lingering effects on current generations: subpar education, low-wage jobs, and the lack of available or affordable broadband options to allow children to engage in distance learning.*³

It is imperative for the FCC to allow E-Rate funding to support remote learning because federal action to date has yet to directly address the Homework Gap. While Congress made distance learning an allowable expense through the Department of Education in the CARES Act and the December 2020 COVID-19 relief package, neither of these laws directs funds specifically to E-Rate. As the Bureau considers ways to modify E-Rate policy in support of remote learning, we

¹ Alliance for Excellent Education, National Indian Education Association, National Urban League, and UnidosUS, *Students of Color Caught in the Homework Gap* (Washington, D.C.: Authors, 2020), 1, https://futureready.org/wp-content/uploads/2020/08/HomeworkGap_FINAL8.06.2020.pdf.

² Titilayo Tinubu Ali et al., *Looking Back, Looking Forward: What It Will Take to Permanently Close the K–12 Digital Divide* (San Francisco: Common Sense Media, 2021), 5, http://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vjan26_1.pdf

³ Alliance for Excellent Education, *Students of Color Caught in the Homework Gap*, 4.

offer the following recommendations in response to several of the issues raised in the Bureau’s request for comments:

- 1) **Eligible Equipment and Services and Their Costs:** We recommend E-Rate funding support a broad range of equipment and services and allow schools and school districts to determine the most effective solutions to address the needs of their students and educators. This includes wired or wireless network access equipment and services such as hot spot devices, modems, routers, devices that combine a modem and router, connected devices, as well as costs associated with cybersecurity⁴ and support for monthly recurring charges.

In addition, we ask that E-Rate be able to underwrite the cost for one desktop, laptop, or tablet computer per school-aged child in a household. One estimate finds that 7.3 million children do not have a laptop, desktop, or tablet computer.⁵ This likely is an undercount because the data source for this estimate, the American Community Survey, asks whether a household has a device, not whether each school-aged child has a device. Synchronous remote learning requires each student to have his or her own device to receive instruction effectively. Therefore, we ask that E-Rate be able to underwrite the cost for each school-aged child in a household to have a desktop, laptop, or tablet computer.

- 2) **Cost-Effective Purchases:** We ask that E-Rate’s competitive bidding rules be waived to expedite the delivery of high-speed home internet access and connected devices to students and educators.
- 3) **Funding and Prioritization:** The Bureau is correct in its suggestion that substantially more funding than is likely available through the E-Rate program will be needed to close the Homework Gap. As noted in the Bureau’s notice, estimates for addressing the Homework Gap range from \$7 billion to \$12 billion.⁶ If demand exceeds supply for available funding, we recommend prioritizing schools and school districts with the highest concentrations of children from low-income families as measured under section 1113(a)(5) of the Elementary and Secondary Education Act.

In addition, we recommend E-Rate cover the full cost of these devices and services during the pandemic, rather than relying on the existing discount matrix. The state of the economy is uncertain, as is the stability of state budgets. According to an analysis issued by the Urban Institute in December 2020, “state government tax revenues from major

⁴ For additional information related to ways in which E-Rate can support cybersecurity, see Petition for Declaratory Relief and Petition for Rulemaking Allowing Additional Use of E-Rate Funds for K–12 Cybersecurity filed by the Consortium for School Networking, et al., WC Docket No. 13-184 (filed February 8, 2021), <https://www.fcc.gov/ecfs/filing/102081871205710>

⁵ Alliance for Excellent Education, *Students of Color Caught in the Homework Gap*, 2.

⁶ Alliance for Excellent Education, National Indian Education Association, National Urban League, and UnidosUS estimate a cost of \$7 billion. See ———, *Students of Color Caught in the Homework Gap*, 4. Common Sense Media estimates a cost of \$6 billion to \$11 billion for students and \$1 billion for teachers. See Sumit Chandra et al., *Closing the K–12 Digital Divide in the Age of Digital Learning* (San Francisco: Common Sense Media, 2020), 5, https://www.common Sense Media.org/sites/default/files/uploads/pdfs/common_sense_media_report_final_6_26_7.38am_web_updated.pdf.

sources showed year-over-year declines at 27.2 percent for the second quarter of 2020, which contrasted with the 7.3 percent average annual growth rates for the prior four quarters.”⁷ Elementary and secondary education constitutes the largest category of state general fund expenditures (35.5 percent in fiscal year 2020)⁸ and is, therefore, subject to the uncertainty of state revenue. To ensure schools and school districts have the ability to connect students and educators to the technology required for remote learning, we ask that E-Rate pay the full cost of covered devices and services.

- 4) Timing: We request that E-Rate support expenses related to remote learning for at least one full school year following the end of the COVID-19 pandemic. It is unclear when schools will fully reopen for in-person instruction. Moreover, it could take years to recover the tremendous learning loss resulting from the pandemic.⁹ Remote learning is vital during the pandemic. It will continue to be vital as schools and school districts extend learning opportunities after the pandemic ends to make up for lost instructional time.
- 5) Legal Issues: We concur with the opinions of the Schools, Health, and Libraries Broadband Coalition and the State of Colorado as summarized in the Bureau’s notice that it is within the FCC’s authority to allow E-Rate funds to support remote learning.

America can neither morally nor economically afford to allow some students to be logged in, while others remain logged out. Federal support for closing the Homework Gap has been lackluster at best and students are falling behind as a result. We urge the FCC to permit E-Rate to support remote learning during the COVID-19 pandemic as expeditiously as possible.

⁷ Lucy Dadayan, “States Saw Freefall Drop in Revenues in the Second Quarter; Partly Offset in the Third Quarter but Still Depressed from Pandemic,” *State Tax and Economic Review*, Quarter 2, iv (2020) https://www.urban.org/sites/default/files/publication/103423/state-tax-and-economic-review-2020-quarter-2_0.pdf.

⁸ National Association of State Budget Officers, *2020 State Expenditure Report: Fiscal Years 2018–2020* (Washington, D.C.: Author, 2020), 20, [https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020 State Expenditure Report S.pdf](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020%20State%20Expenditure%20Report%20S.pdf).

⁹ For information related to learning loss resulting from the pandemic, see Emma Dorn et al., *COVID-19 and Learning Loss—Disparities Grow and Students Need Help* (McKinsey & Company, 2020), <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-learning-loss-disparities-grow-and-students-need-help> and Megan Kuhfeld et al., *Learning During COVID-19: Initial Findings on Students’ Reading and Math Achievement and Growth* (Portland: NWEA, 2020), <https://www.nwea.org/content/uploads/2020/11/Collaborative-brief-Learning-during-COVID-19.NOV2020.pdf>