

**LOS ANGELES UNIFIED SCHOOL DISTRICT**  
*Office of the Deputy Superintendent, Business Services and Operations*

**Austin Beutner**  
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**Megan K. Reilly**  
*Deputy Superintendent*

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April 5, 2021

Federal Communications Commission  
Washington DC

**RE: Los Angeles Unified Comments on the [FCC's announcement](#) of the Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap (WC Docket No. 21-93)**

Dear Commissioners:

In response to Covid-19 the Los Angeles Unified School District (Los Angeles Unified) has worked hard to serve the youth of Los Angeles and surrounding communities over the past year. Our efforts enabled students to continue learning during a global public health crisis and also advanced student access to technology and their preparation for a 21st century workforce. Sustaining these efforts and building on the work done to date will require support from partners at all levels of the public, non-profit, and private sectors. As the nation's second-largest K-12 school district, our fundamental mission is to provide equitable access for all students to a high-quality education that will prepare them for success.

When President Biden signed the historic American Rescue Plan (ARP) Act into law on March 11, it signaled an opportunity to expand the ways that federal support help students recover learning they missed during the health crisis while also prepare them for fundamental long-term evolutions in teaching and learning. We appreciate the Federal Communications Commission (FCC) for providing this forum to explore the wider range of today's instructional modalities, including remote and hybrid models.

As Los Angeles Unified moves forward with re-opening schools, we anticipate that remote and hybrid instruction models will continue to be a central part of instructional strategies for the foreseeable future. The urgency of addressing the divide among students who have and do not have adequate home connectivity was exacerbated by the public health crisis and continues to be a challenge impacting educators and students for some time to come. For these reasons we offer these comments in response to the FCC's March 16 notice, acknowledging the need to support digital at-home learning as a priority. Students living in poverty or who, for various reasons, lack adequate access to adequate broadband internet connectivity in their homes, are limited in their ability to participate in public education, a problem effectively known as the "Homework Gap." As such, the Commission has dubbed the expansion as the "Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic."

In our review of the Commission's public notice, we have provided detailed comments in response to numerous questions posed by the commission, which are detailed in the Attachment. All of our responses to proposed actions followed several key themes related to our philosophy on broadband internet access as increasingly central to providing high quality education:

- The importance of equity in our core mission to educate students cannot be overstated. While it is essential to promote success for all students, doing so effectively involves a nuanced understanding that the needs of students vary widely based on numerous factors. A system that allocates resources according to the unique needs of students and their communities is a prerequisite for success. Specifically, students in communities with high rates of poverty or those who require special accommodations for learning should be given higher priority than others when considering resource allocation. Although we have achieved getting every child access to a device and technology this past spring the sad truth is that the pandemic itself has countered, widening the divide by impacting those communities more. A one-size-fits-all approach serves only to widen equity gaps in our collective efforts to serve all students in accordance to their individual needs.
- This global health crisis shows us clearly that the world is not only changing rapidly, it can do so quite unexpectedly and in unpredictable ways. We can most effectively serve our students and school communities through a system that is streamlined, adaptive and aligns to a rapidly evolving educational landscape. We believe that the best outcomes for our students are achieved by building on the successes of the E-rate program structure already in place to keep it agile and without dilution.
- We now know that the need for uninterrupted access to high-bandwidth tools such as video conferencing is a critical component of online and hybrid instructional models. We anticipate that as the pandemic abates, increases in demand will continue to accelerate. As such, we will always encourage a priority on internet access for education and discourage any allowance for service providers to limit or de-prioritize internet traffic that inhibits access to education.
- The Commission should assume positive intent on the part of school districts in terms of minimizing redundancy to ensure the maximum available resources can be allocated to meeting those most in need. There are already federal rules in place that prohibit duplicative spending of federal funds or grants (§ 200.306 and § 200.403). The Commission should carefully consider whether it is truly necessary to implement additional safeguards and if doing so would lead to delays in supplying critical services to students in a timely manner.

We look forward to our continued partnership with the Commission to ensure equitable access for all students to achieve a high-quality education that will prepare them for the world of today, tomorrow, and beyond.

Sincerely,



Megan K. Reilly  
Deputy Superintendent

Attachment

**Which entities should be eligible to participate?**

Los Angeles Unified believes that as direct service providers to students, school districts that are already eligible under the E-rate program are best able to understand and meet the needs of students for internet access outside of the school campus. We serve as a community hub, have direct student contact, and have the data necessary to identify needs and measure student success in a remote learning environment. We recommend that eligibility to participate should align with current E-rate program requirements.

**Should the FCC define what is considered eligible use of services?**

Los Angeles Unified agrees that services funded through the Emergency Connectivity Fund should be used primarily for educational purposes. Our district recommends that the Commission implement similar community use guidelines that are already in place under the E-rate program for when schools are not in session.

**What types of equipment and services should be eligible?**

We recommend that the Commission allow all hardware and software necessary to support safe and appropriate remote teaching and learning to be eligible under the Emergency Connectivity Fund. This would include tools used for network security and filtering content from students that may be unsafe or inappropriate.

Corresponding installation costs, taxes, fees, maintenance and support, managed services, and asset management should be allowable. Our district also recommends that the Commission not require cost allocations when school districts extend their broadband Internet funded through the traditional E-rate program to students who lack adequate Internet connectivity at home.

**What should be the minimum system and service requirements?**

Per Los Angeles Unified's comments to WC Docket No. 21-31, we believe the current minimum standard of 25 Mbps downstream and 3 Mbps upstream is inadequate for supporting uninterrupted teaching and learning, particularly in households in densely populated urban areas where multiple students are often struggling to stay connected. The E-rate program should offer the flexibility to continuously evaluate student needs based on changing demands and advancements in technology. Our students have experienced disruptions in their online learning due to inadequate bandwidth or poor connectivity. Even if the Emergency Connectivity Fund provides resources such as devices and internet service to the students, the resources will not be as effective if the bandwidth is not sufficient to support student learning.

We further urge the Commission to prohibit providers from deprioritizing web traffic used for educational purposes, data caps, and/or throttling. It is imperative that students and educators have access to no less than the highest quality broadband connections available.

**What accommodations should there be for unique populations and students with special needs?**

We recommend that the Commission allow all hardware and software necessary to support safe and appropriate remote teaching and learning to be eligible, in line with students' needs. The solutions that school districts could implement should not be limited to narrow definitions of connected, Wi-Fi enabled devices and broadband services

in order to be accessible to, and usable by, students of all demographics, particularly those who require special learning accommodations to place them on a level playing field with others.

**Should the FCC limit the eligible locations for non-mobile broadband service?**

Effectively addressing the homework gap requires our ability to support student learning wherever it may take place. We recommend, therefore, that the Commission offer flexibility in determining which locations can receive wireline and fixed wireless services for remote learning. We fully support the Commission’s proposal to allow school buses with WiFi connectivity to be considered eligible locations and strongly urge flexibility in determining when and how school districts can provide internet to students in locations outside of the school campus.

**Should the FCC require additional competitive bidding requirements to ensure cost effective purchasing?**

Los Angeles Unified recommends that the Commission allow eligible schools and libraries to seek reimbursement for the cost of eligible equipment and services purchased without having conducted a Commission-mandated competitive bidding process for purposes of the Emergency Connectivity Fund. School districts such as ours can and will certify that we are already in compliance with stringent state and local procurement requirements when executing contracts for eligible equipment and services.

**How should funding be prioritized for applicants?**

Per Los Angeles Unified’s comments to WC Docket No. 21-31, we assert that schools with a discount at the maximum 90 percent level, as determined by the discount matrix, should receive the highest priority. We contend that prioritization of support should be reflective of need, and particularly for the most disadvantaged and at-risk populations. This works as it is consistent with current E-rate program rules. All eligible costs should then receive the maximum discount provided by the Emergency Connectivity Fund without consideration of range of reasonable costs by category.

We further recommend that the Commission avoid implementation of funding caps. Any caps would serve only to limit providing critical services to those most in need.

**What should be the application cycles?**

Our district recommends that the Commission direct USAC to open an Emergency Connectivity Fund filing window allowing schools and libraries to apply for funding for eligible equipment and service purchases made through June 30, 2021. If demand does not exceed available funds for the first application period, our district recommends for the Commission to direct USAC to open a filing window for the Emergency Connectivity Fund in the following funding year for costs incurred through June 30, 2022. We further recommend that additional filing windows for future years be available to apply for funds unused from previous application periods.

**Should USAC’s existing application systems be used for this fund?**

Los Angeles Unified supports the Commission’s proposal to leverage the current E-rate forms to apply for support from the Emergency Connectivity Fund with slight modifications to reflect the expanded types of eligible services and the certifications that will be appropriate to the rules established by the Commission for the Emergency Connectivity Fund.

### **Should the program use a reimbursement process, and how should the invoice process work?**

We recommend that the Commission avoid requiring vendors to have a Service Provider Identification Number (SPIN) in order for school districts to submit invoices for reimbursements. Our rationale is that end user devices such as laptops and tablets have not been eligible for support under the traditional E-rate program and many of the service providers and resellers of this equipment will likely not have ever participated in E-rate or have an active SPIN. Requiring a SPIN could prohibit schools from being able to request funding and reimbursement from the Emergency Connectivity Fund. Further, if the Commission only allows funding to be disbursed through a reimbursement process rather than a discount process, there should not be a need for a service provider to complete an FCC Form 473 Service Provider Annual Certification.

We further recommend a longer window to file reimbursement requests. School districts should be able to file invoices up to six months after the service delivery date, or funding application approval date, whichever is later. School districts should also be allowed to file multiple invoice deadline extension requests. Increased flexibility in these guidelines serves to maximize our ability to respond to all students' needs and ensure no funds that could potentially be used to serve a student in need are lost.

### **How should the equipment be used after COVID-19 period, and should traditional E-rate rules be applied to equipment purchased with this fund?**

We contend that the effects of the global public health crisis that has now extended beyond a full year will have long-lasting effects on our populations for many years to come. We further assert that the needs to expand learning to beyond school campuses were present long before the health crisis emerged and will only continue to grow after the pandemic has receded. We therefore recommend flexibility in applying expanded E-rate program rules for the foreseeable future and that they not be limited to times of crisis. We also recommend that the Commission allow for funding eligibility to extend to the replacement of lost, stolen, or damaged equipment as well as removing any requirements prohibiting disposal of end-user devices, as lifespans of chromebooks and tablets typically range from 3 to 5 years.

### **Should the FCC impose a 10-year record retention requirement and require tracking of devices and services by individuals?**

Per Los Angeles Unified's comments to WC Docket No. 21-31, we recommend that the FCC be consistent with the guidelines established for the COVID-19 Telehealth Program. Due to the unprecedented strain experienced by schools during the COVID-19 pandemic, we assert that the three-year documentation retention and audit period as prescribed for the COVID-19 Telehealth Program is more appropriate than the typical 10-year requirement that applies for the traditional E-rate program.

As school districts and other organizations emerge from the recent public health crisis, we support implementation of a records retention policy that aligns to existing long-standing federal programs, such as the National School Lunch Program. We recommend that if the Commission will require detailed records for individual users, that such requirement only be applied to equipment and services funded after the pandemic. We further recommend that the Commission allow costs for maintaining asset inventories and service records to be eligible for E-rate funding.

We also encourage the Commission to clarify requirements for records retained on various types of services. Specifically, whereas records of upload and download broadband commitments are possible to capture for hard-wired solutions, it is not feasible to capture the same data for equipment connecting to telecommunications networks, i.e., long-term evolution (LTE) devices.

**Should the FCC impose rules that prohibit gifts from vendors, similar to the traditional E-rate program?**

Los Angeles Unified recommends that the Commission avoid any restrictions that might discourage philanthropy from service providers that are willing to provide assistance to school communities that are still addressing the homework gap. Such restrictions would serve only to harm prospects of our ability to expand resources to students in need.

**Should the FCC adopt program measurements and metrics for this fund?**

Los Angeles Unified applauds the Commission's proposal to adopt broadband connectivity goals for all students. Our district's goals are: Every student with a device. Every device with connectivity. Every student with proper technology support. This rests on the assumption that adequate funding streams will be available for sustainability of our efforts to ensure all students have the connectivity necessary for anywhere, anytime learning in the years to come.

Los Angeles Unified recommends that the Commission collect outcome data on efforts to close the homework gap, informing future and ongoing initiatives to address the issue. We further recommend that the Commission adopt performance goals concerning administration of the Fund. Performance should focus on application review and approval timelines, ensuring we are collectively serving students in a timely manner. Careful consideration should be given to any measures that would shorten review periods. Similarly, Invoices submitted by school districts should also be paid within 30 days.