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April 5, 2021

Submitted by Electronic Comment Filing System
Office of the Secretary
Federal Communications Commission (FCC)
45 L Street, NE
Washington, DC 20554

RE: WC Docket No. 21-93 – EMERGENCY CONNECTIVITY FUND FOR EDUCATIONAL CONNECTIONS AND DEVICES TO ADDRESS THE HOMEWORK GAP DURING THE PANDEMIC

On behalf of nearly 400 schools within Miami-Dade County Public Schools (M-DCPS), serving one of the nation's largest and highest-need student communities, I am encouraged by the speed and thoughtfulness of proposed rulemaking on the Emergency Connectivity Fund. We urge that implementation of this emergency program be viewed as an opportunity not only to serve U.S. students during a time of great stress and challenges to education, but also as a step towards adopting effective and cost-efficient adjustments that will improve the permanent E-Rate Program throughout the upcoming period of educational recovery. Our response follows topic headings in the FCC's request for comments.

➤ ***Administration of the Emergency Connectivity Fund.***

New strategic goal: sustain and expand school-district-level network capacity, so as to meet expanding and measurable demand for educational services.

Empower school districts to sustain and grow network bandwidth capacity to meet the documented demand for remote and campus-based educational uses, including cost-effective infrastructure services located off-campus.

A new strategic goal should be articulated, measured, and evaluated under the E-Rate Emergency Connectivity Fund to inform a permanent strategy under the regular E-Rate broadband services to schools, teachers, and students during periods of intensive use. These needs may grow over time as at-home educational needs evolve, especially if home broadband is subsidized for low-income students. As a large district, M-DCPS broadband uses are supported at non-instructional facilities (NIFs) serving as backbone infrastructure for educational uses across schools. Schools and districts require sufficient bandwidth to meet measurable daily usage needs; for example, the NIF at M-DCPS had

a bandwidth capacity of 40 GB at the time the pandemic was declared, yet daily demand for remote learning to and from campuses requires substantially more bandwidth (100 GB). This bottleneck requires district personnel to monitor usage at all times and continually throttle services as needed, including both educational and ancillary school services. This creates waste and frustration for educational users across the district network. Maintaining centralized NIF services is a cost-effective solution for educational providers, regardless of where the district-owned and operated facilities are located. Likewise, increasing bandwidth to meet the documented growth of educational uses is a priority benefit for education, while throttling those uses creates costs in terms of educational efficiency. NIF equipment, services, and scalable bandwidth capacity for educational purposes should be recurrent and reimbursable expenses whose benefits outweigh the costs.

New strategic goal: align E-Rate and home broadband programs by authorizing at-home connectivity and developing reliable measures to connect all U.S. students.

Provide local school district flexibility and expanded eligible expenditures to permit educational linkage beyond the school campus, including to the student's residence. Fully align the two emergency broadband funds—one for schools and one for homes—and construct reliable measures for closing local Homework Gaps, so that emergency policies can be institutionalized under the E-Rate and Lifeline programs.

The Emergency Connectivity Fund rules should clearly articulate a goal to connect every U.S. student household and every U.S. teacher to their schools via seamless alignment with the Emergency Broadband Benefits (EBB) program. The FCC should utilize this period of emergency funding to develop reliable and sustainable measures of student household connectivity, measured initially by adoption and usage rates of the new EBB subsidies for free- and reduced-price lunch recipients, communitywide eligibility usage, and PELL grant household usage, and supplemented as may be necessary by periodic survey data or by local school district documentation of online attendance and usage needs, so as to fashion a permanent E-Rate rule. M-DCPS incorporates by reference our comments from the February review of emergency funding rules, including our long-standing efforts to close the digital divide for our students and the multiplicity of gaps that persisted as of March 2020.

➤ ***Eligible Equipment and Services.***

Teacher desktops used for remote learning. While device mobility is preferable, we agree that during the emergency period desktops are being utilized in classrooms by teachers for connectivity to remote students. However, E-Rate should not be diluted from infrastructure needs to fund classroom computers for on-campus students, especially after the emergency.

Video conferencing readiness as minimum standard. Video conferencing should be a minimum standard, considering both the capability and actual readiness of the device without need for additional equipment or components.

District equipment necessary to facilitate remote learning (CPE). Eligible equipment costs should include networking capacity for the school district's customer premise equipment (CPE). To support expansion of remote learning uses during the emergency, M-DCPS

has already installed CPE and its increasing use will require further financial investment, especially as technology demands change.

Minimum service standards (25/10). Greater minimum service standards can make the difference between waiting times of seconds rather than minutes for classroom users, and it can support higher resolution video to better engage students and inform teachers. Video conferencing for classrooms, benefits from high-definition content to enable the teacher and students to see all participants in a class. Instructional benefits from rich content such as interactive whiteboards, a high intensity use with bi-directional input and high refresh rates, supports the entire class. Upstream capacity of 3 Mbps was sufficient before adopting video platforms such as Zoom, but a 10 Mbps minimum upstream would better accommodate bi-directional video, multiple simultaneous applications and the uploading of homework assignments including videos and other large files. Currently, M-DCPS must throttle speeds within our networks, and even with this standard there will be times that the district needs to throttle users, especially when devices are updating operating systems or otherwise requiring large downloads. Higher minimums would greatly enhance the user experience for all users during the emergency period.

➤ ***Service Locations.***

Include district non-instructional facilities (NIF). School district data support centers that service schools and support teachers are essential to maintain not only remote learning but campus-based uses, both during and after the school day. In a large district with nearly 400 schools, remote learning CPE is most efficiently supported by consolidating technical support at dedicated, non-school-site facilities. Yet, because data centers do not have classrooms, E-Rate currently is unable to fund equipment to support educational uses in schools and to the home. NIF support should become an authorized educational use on a permanent basis, even beyond the emergency period.

District flexibility to target local locations and needs. The FCC should provide E-Rate funding to school districts, not individual schools, to utilize based on needs determined by the districts. This policy should be maintained in the regular E-Rate Program.

➤ ***Eligible Uses.***

K-12 cybersecurity. M-DCPS supports the petition for declaratory relief that will allow additional use of E-Rate funds for K-12 cybersecurity (WC Docket No. 13-184, Feb. 8 2021), as proposed by the Consortium for School Networking, the Council of the Great City Schools, and other petitioners. We urge that all firewall and related features be within the scope of eligible expenses under the E-Rate Emergency Connectivity Fund, and ultimately in the E-Rate Program. As noted in the petition, schools face persistent and expanding cyber-attacks that are a significant risk to operations and private data, as well as a drain on district resources. Prevention services should be prioritized.

Credentialing and educational uses. The M-DCPS network currently requires user credentials for students, staff, and school-based tutors, as well as for parents using the digital gradebook to support student learning. The district also requires credentialing for Wi-Fi users and provides filtering for all users.

➤ ***Reasonable Support Amount.***

Reimbursement retroactive to the declared emergency. Retroactive equipment costs

should be presumed to be reasonable expenses, responding to learning demands under the pandemic, if purchased after the emergency began. Planning and expenses for remote learning at M-DCPS began at or around the declaration of a pandemic emergency in March 2020. Expenses prior to this may have been planned prior to the pandemic and should require separate justification.

Local school board competitive bidding standards. M-DCPS expenses were all made subject to local and state procurement practices, including school board approval for amounts that require authorization. Compliance with this standard is appropriate to ensure minimum accountability and a presumption that the costs were reasonable.

Minimal additional bidding requirements. Use of existing school board procurement practices provides adequate safeguards, and any additional E-Rate requirements should be minimal burdens as it relates to purchases during the emergency period.

Reasonable costs. If price ranges or caps are proposed, M-DCPS notes that the ranges should reflect market shortages which dictated higher-than-normal prices in some circumstances, requiring the district to obtain alternative equipment that closely matched pre-pandemic district specifications. Even now, supply-chain issues are driving costs up due to high-demand components.

Variance should reflect poverty needs. Targeting of funding to higher poverty communities, and not simply less well-connected communities, should continue to be prioritized in the allocation of emergency funds.

➤ ***Application Process.***

Filing window. A 30-day window is enough time to assess and report local needs, provided that districts are not held to current E-Rate rules that require formal competitive bidding before the emergency filing window. A separate filing window for the Emergency Connectivity Fund and E-Rate is reasonable for district staff to comply, given the separate rules and coverage priorities.

Adaptation of E-Rate forms. Modified forms, reflecting streamlined processes, would be simpler than entirely new forms.

➤ ***Prioritization of Funding.***

Continue current high-poverty prioritization. The emergency program should follow E-Rate's prioritization for high-poverty schools and/or high-poverty districts, rather than create new priorities or rely upon a first-come, first-serve policy.

Prioritize prior purchases. Purchases made to serve schools and students in the immediate wake of the pandemic were made when there was no assurance of federal reimbursement, and these costs should be the top priority over new purchases being contemplated after the fund was created.

➤ ***Reimbursement process.***

Procedure: Invoices from prior purchases can be provided within the proposed 30-day filing period. The district is able to comply with existing E-Rate procedures.

➤ ***Treatment of Eligible Equipment during and after the COVID-19 Emergency Period.***

Provide local flexibilities beyond the emergency period. Equipment provided to students or teachers should be allowed to remain with the recipient until the point that they exit the school system, if agreed to by the district. At that point the district should make a good-faith effort to have equipment returned. The district should have the flexibility, as it has with non-E-Rate equipment, to re-purpose the equipment for other educational uses, sell the equipment to recoup value for new purchases, or dispose of equipment as deemed necessary. The ability for districts to resell outdated equipment to vendors, with documentation of transactions and credit given for new purchases, should be evaluated as a permanent flexibility for equipment in the regular E-Rate program.

➤ ***The Children's Internet Protection Act (CIPA).***

Maintain CIPA standards. The district requires CIPA standards to be met for all school devices and does not require modification of any current CIPA-related rules for this emergency program.

➤ ***Other Federal and State Funding for Remote Learning.***

Maintain current safeguards. All E-Rate safeguards may be applied. As is currently the case with E-Rate, the district will certify that we have not received and will not seek funding or reimbursement from the Emergency Connectivity Fund for equipment and/or services that are funded by other federal or targeted state programs or provided as donations.

➤ ***Other Protections Against Waste, Fraud, and Abuse.***

Maintain protections with flexibility for certified donations. The district will continue to apply the same rules for retaining and presenting records, maintaining asset and service inventories, compliance audits, and other compliance safeguards; no additional rules or requirements are recommended. Under the Emergency Connectivity Fund, the gift rule prohibition should not be applied retroactively but may be reinstated going forward, provided that the rule may be waived by the district when a valid educational justification for receipt of donated equipment or services is certified by the district. Where off-site services are utilized, the district agrees that service providers should report monthly and validate usage of supported services being provided to the district, and in the event of non-usage, should remove the costs.

➤ ***Enforcement.***

Maintain current enforcement. The district fully supports continuing the strict enforcement of waste, fraud, and abuse practices under the emergency program.

We applaud the FCC for your timely rollout of this critically important program. If you have any questions, please contact Ms. Tabitha G. Fazzino, Chief Intergovernmental Affairs and Compliance Officer, Office of Intergovernmental Affairs and Compliance, at 305 995-1206, or me at 305 995-3751.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene P. Baker".

Eugene P. Baker, Chief Information Officer
Information Technology Services

EPB:mdr
L021

cc: Mr. Alberto M. Carvalho
School Board Attorney
Superintendent's Cabinet