

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 ) WC Docket No. 21-93  
Establishing Emergency Connectivity Fund )  
to Close the Homework Gap )

**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 Emergency Connectivity Fund for educational connections and devices to address the homework gap during the pandemic. COVID-19 has caused an unprecedented disruption in the U.S. educational system and schools have demonstrated a strong commitment to ensuring all students received a quality education even as in person instruction was not possible due to ongoing public health concerns. We applaud efforts by Congress and the Commission to provide funding to support the connectivity needs of students across the country as schools and libraries seek to ensure all students have access to distance learning during this public health emergency. As the Commission considers how best to establish the Emergency Connectivity Fund to close the distance learning digital divide, **we respectfully urge the Commission to allow schools and libraries the greatest flexibility possible to use these funds to ensure robust access for students and teachers to distance learning throughout the duration of this public health emergency.** Greater flexibility will allow for the quick and efficient distribution of these funds, as intended by Congress. This is an emergency fund, established in part to help mitigate harms caused by the covid-19 pandemic. Since the outset of the covid-19 emergency, schools and libraries, in order to provide equitable access to education, have had to navigate shifting needs and hurdles in their communities. There remains a need to provide funding for connectivity and devices to support education outside the physical school building or library. This fund should seek to support both the rapid response efforts to address these needs by schools and libraries begun at the outset of the pandemic and the continuing efforts by schools and libraries to address the current needs of their communities.

Lack of home access to broadband service and devices is a critical problem educators and students are facing now, and will continue to be a barrier to addressing learning loss.<sup>1</sup> This public health emergency requires the FCC to support and work together with schools as they take steps to ensure all students and teachers have access to the tools required for distance learning during this national emergency. We respectfully urge the Commission to take a flexible approach in the

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<sup>1</sup> Comments of Common Sense, WC Docket 21-31, (Filed February 23, 2021). *available at* [https://ecfsapi.fcc.gov/file/102172391827640/Common%20Sense%20E-Rate%20Funds\\_Remote%20learning%20FCC%20Comment.pdf](https://ecfsapi.fcc.gov/file/102172391827640/Common%20Sense%20E-Rate%20Funds_Remote%20learning%20FCC%20Comment.pdf)

distribution of these funds in order to help students stay connected and learn during this public health emergency in order to mitigate learning loss.

## **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 strongly supports the American Rescue Plan Act of 2021 and the appropriation of 7.1 billion to close the digital divide.<sup>2</sup> Common Sense has long been committed to closing the homework gap and we have previously submitted comments on the importance of high-speed internet connectivity for all children's success<sup>3</sup> as well as in response to the coronavirus pandemic as the Commission has worked to better utilize both the Lifeline and E-Rate programs.<sup>4</sup> We also provided comment on the recently enacted Emergency Broadband Benefit Program.<sup>5</sup> Ongoing disruptions to in-person learning due to the pandemic have created unprecedented challenges to school districts to keep students engaged in learning during this time. According to recent research by McKinsey "cumulative learning loss could be substantial, especially in mathematics—with students on average likely to lose five to nine months of learning by the end of this school year." This research also indicates school shutdowns are likely to compound racial disparities in learning and achievement, increasing dropout rates, which

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<sup>2</sup> American Rescue Plan Act, H.1319, 117th Cong. (2021).

<sup>3</sup> See Comments of Common Sense, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197. (Filed Feb. 21, 2018). *Available at* <https://www.common sense media.org/sites/default/files/uploads/csm-blog/fcclifelinefiling2.21.18.pdf>

<sup>4</sup> See Comments of Common Sense, Docket Nos. 11-42, 09-197, 96-45, 17-287. (Filed Mar. 24, 2020) *Available at* [https://ecfsapi.fcc.gov/file/10324600214544/Coronavirus%20Letter%20to%20FCC%20re\\_%20connectivity%20and%20homework%20gap.pdf](https://ecfsapi.fcc.gov/file/10324600214544/Coronavirus%20Letter%20to%20FCC%20re_%20connectivity%20and%20homework%20gap.pdf).

<sup>5</sup> See Comments of Common Sense, Re: W.C. Docket No.20-445. (Filed Jan. 25, 2021). *Available at* <https://ecfsapi.fcc.gov/file/10126547926608/Common%20Sense%20FCC%20Comment%20on%20New%20Emergency%20Broadband%20Benefit%20Program.pdf>.

could take a toll on the economy.<sup>6</sup> In fact, our analysis shows that the digital divide contributes to a \$22 billion loss to GDP.<sup>7</sup>

Throughout the pandemic, schools have had to rely on distance learning solutions to give schools flexible options for instruction that would allow administrators and balance shifts between in person instruction, hybrid and fully distanced learning approaches in order to allow for appropriate COVID-19 mitigation measures. However, lack of uniform home internet service has created major hurdles to delivering equitable and consistent educational experience for all students. Even as schools slowly transition back to in person learning, the flexibility offered by distance learning is still important for educators, as it gives them the ability to maintain continuity for students' education if there are changes with respect to the trajectory of COVID-19 cases or changes to the transmission of the illness due to new variants. As educators seek to mitigate learning loss incurred since the start of the pandemic, it is critical that they are able to ensure all students have access to the devices and connectivity necessary to access distance learning, distance tutoring and other educational enrichment. Access to education technology, including home access to broadband internet service and curriculum-appropriate devices at home, is inextricably linked to educational achievement. Congress has recognized the importance of closing the digital divide and the funding offered by the American Rescue Plan can help all students have equitable access to distance learning resources.

### **III. Successful Administration of the Emergency Connectivity Fund Requires Flexibility**

In response to the Commission's request for comment on rules to adopt to most efficiently and effectively meet the connectivity needs of students and school staff, we encourage the Commission to take a flexible approach that helps provide guidance to support schools during this emergency period. We recognize the Commission's obligation to protect against waste and fraud and see school's incentives during this emergency period to be aligned with the Commission's in ensuring the efficient distribution of connectivity and device support to students most in need in order to ensure an equal access to educational opportunities. Recent research by

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<sup>6</sup> Dorn, E., et al, *COVID-19 and learning loss—disparities grow and students need help* (2020). McKinsey & Company (Dec. 8, 2020).

<sup>7</sup> Ali, T., et al., *Looking back, looking forward: What it will take to permanently close the K–12 digital divide*, (2021),

[https://www.common sense media.org/sites/default/files/uploads/pdfs/final\\_-\\_what\\_it\\_will\\_take\\_to\\_permanently\\_close\\_the\\_k-12\\_digital\\_divide\\_vfeb3.pdf](https://www.common sense media.org/sites/default/files/uploads/pdfs/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vfeb3.pdf)

Common Sense found that nearly all U.S. public schools closed early in 2020, driving more than 50 million students to transition to full-time distance learning from home. While nationwide, 99% of public schools have high-speed broadband access, distance learning from home presents many challenges, with the potential for significant inequalities given internet and device gaps.<sup>8</sup> In response to the Commission’s request for comment on specific broadband goals for students, school staff, and library patrons, we emphasize that the American Rescue Plan does not require goals to be outlined as part of the distribution of these funds.<sup>9</sup> The language used by Congress in the Emergency Rescue Plan suggests Congress intended this funding to be deployed quickly, as established by the 60 day window given to the FCC to promulgate rules for the distribution of this fund.<sup>10</sup> We urge the Commission to recognize that the Emergency Connectivity Fund was established to provide support during a limited period of emergency. As other advocates have highlighted in prior FCC requests for comment related to this public health crisis, connectivity is vital for slowing the spread of the virus and keeping students engaged in learning. Similar to the Emergency Broadband Benefit Program, the Emergency Connectivity Fund was created to address an emergency situation and therefore the priority should be to minimize friction as these funds are deployed. As the Benton Foundation highlighted in their recent comments on the Emergency Broadband Benefit Program, Congress has recognized in the very title of that this meant to to be an emergency program and acknowledged that “connectivity is an essential tool for slowing the spread of the coronavirus; facilitating distance learning and telehealth services; coordinating vaccinations; and connecting the unemployed to job opportunities.”<sup>11</sup> In establishing goals or rigid guidelines as they relate to speeds or devices, the Commission could inadvertently hamper the efforts of those on the frontlines of the digital divide to combat these issues in real time. Connectivity is a uniquely local issue and requires a local insight for an effective response. Any additional federal requirements would likely prove burdensome for districts already under duress due to this emergency.

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<sup>8</sup> Chandra, S., et al, *Closing the K–12 Digital Divide in the Age of Distance Learning*, 6 (2020), [https://www.common sense media.org/sites/default/files/uploads/pdfs/common\\_sense\\_media\\_report\\_final\\_6\\_26\\_7.38\\_am\\_web\\_updated.pdf](https://www.common sense media.org/sites/default/files/uploads/pdfs/common_sense_media_report_final_6_26_7.38_am_web_updated.pdf)

<sup>9</sup> American Rescue Plan Act, H.1319, 117th Cong. (2021).

<sup>10</sup> American Rescue Plan Act, H.1319, 117th Cong. (2021).

<sup>11</sup> Comments of The Benton Institute for Broadband and Society, WC Docket No. 20-445, (Filed Jan. 25, 2021), available at <https://ecfsapi.fcc.gov/file/10126252926245/BentonInstCommentsDocket20-445-25Jan2021.pdf>

Performance goals established by the Commission in regards to this fund could be burdensome to applicants seeking reimbursement for programs deployed early in the pandemic when supply chain issues dictate available options for purchase and administrators were working remotely due to strict stay at home orders. Prior to the pandemic, most schools considered home internet access to be the responsibility of the family. When schools shifted to distance learning in March of 2020 as the primary means for delivering instruction, attitudes about the responsibility of schools to ensure home internet access for students also shifted.<sup>12</sup> As a result many schools began to use digital needs assessments to determine the connectivity, device and other digital inclusion needs of the students and families in their district. These assessments provide clear support for existing purchases and with guidance from the Commission, these needs assessments could be continued to help provide support for new purchasing decisions. The Commission should seek to support schools by developing guidance on the strategies and best practices for procurement of home connectivity and devices.

We recommend that the Commission minimize any obstacle that might delay or otherwise complicate the distribution of this funding. Instead, we suggest the Commission can best support schools by identifying guidance and resources that can help guide schools as they seek to ensure they are reaching the most students in the most cost effective way possible.

#### **IV. Schools Should Decide Equipment and Services Adequate for Distance Learning**

In response to the Commission’s request for comment on eligible equipment and services, we urge the Commission to support schools by allowing schools autonomy in deciding which devices and type of connectivity is best suited for their specific community and curriculum needs. At this time, schools, not the federal government, are best situated to assess the distance learning needs of their students given cost, procurement, and curriculum considerations. The American Rescue Plan recognized the need for flexibility and discretion by schools in determining their specific device and connectivity needs. This legislation allows funding for any “advanced telecommunications and information service” and does not specify what types of equipment could be eligible nor what types of technologies are eligible, thus allowing for discretion of schools and libraries to identify best support for their students given local infrastructure constraints.

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<sup>12</sup> Chandra, S. et al., *Connect all students: How states and school districts can close the digital divide*. (2020), [https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common\\_sense\\_media\\_partner\\_report\\_final.pdf](https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common_sense_media_partner_report_final.pdf)

Our research has shown high-speed internet service at home (robust: 200/10 Mbps), internet-enabled learning devices (excluding cell phones), distance learning instructional content, and support, including digital literacy resources, teacher and parent training are critical to ensuring a quality distance learning experience.<sup>13</sup> Ideally, broadband services and devices should support synchronous distance learning. However, we understand that during this emergency period it might have been necessary for schools to settle on slower service due to pressure to quickly restart educational instruction, cost and location constraints. Given the emergency nature of this fund, we recommend that the Commission minimize any device or connectivity requirement that might delay or otherwise complicate the distribution of this funding. Instead, we suggest the Commission can identify supports and resources that can help guide schools as they seek to ensure they are reaching the most students in the most curriculum supportive and cost effective way possible.

In response to the Commission's request for comment on minimum system requirements for devices supported under the Emergency Broadband Benefit Program, we recommend the Commission allow schools to determine which device type is best for their various curriculum needs. Prior to the pandemic, the majority of school districts had experience purchasing devices. However, the pandemic necessitated some school districts to quickly purchase additional devices if they were not already at a 1-to-1 student-to-device ratio, and supply chain constraints for some learning devices have added complexity to the purchasing process.<sup>14</sup> Also there are different replacement rates for devices when the expectation is that all students k-12 will be responsible for the device in an unsupervised home setting. Unfortunately, there is no one size fits all solution when it comes to closing the homework gap and connecting all students. Even within a single state, needs of urban or rural schools can differ as can needs of students within communities depending on grade level and instructional content. For example, our research has found that tablets are typically best suited for pre-k through grade 2 students and in special needs education. However, laptops with higher processing capabilities can be necessary for high

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<sup>13</sup> Comments of Common Sense, WC Docket 21-31, (Filed Feb 16, 2021). Available at [https://ecfsapi.fcc.gov/file/102172391827640/Common%20Sense%20E-Rate%20Funds\\_Remote%20learning%20CC%20Comment.pdf](https://ecfsapi.fcc.gov/file/102172391827640/Common%20Sense%20E-Rate%20Funds_Remote%20learning%20CC%20Comment.pdf)

<sup>14</sup> Chandra, S. et al., *Connect all students: How states and school districts can close the digital divide*, Common Sense Media 12 (2020), [https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common\\_sense\\_media\\_partner\\_report\\_final.pdf](https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common_sense_media_partner_report_final.pdf)

school students or for STEM curriculum.<sup>15</sup> With this in mind, we recommend the Commission allow schools to use their best judgement based on procurement availability and curriculum needs during this emergency period.

In response to the Commission's request for comment on whether to impose minimum service standards, we do not see such standards as a way to meaningfully support schools and students during this time. In response to the Commission's request for comment on whether applying the Commission's current speed benchmark of 25 Mbps down and 3 Mbps up is an appropriate guideline for this fund, we are concerned that this current benchmark constrains the ability of students to participate in synchronous learning and the limits the ability of schools to best utilize innovative education technology. While synchronous learning is often beneficial to students, barriers to access have led schools to develop workarounds to accommodate slower speeds. Guidance from the Commission to identify ideal speed thresholds to potential educational applications would be useful during this emergency period but we caution against prescriptive requirements.

We appreciate the Commission's commitment to facilitating a robust distance learning experience, however, as the Commission recognizes in this request for comment, "some households have more than one student, school staff member, or library patron" which can make defining service standards and data thresholds difficult. Broadband is a very localized issue and is best suited to be addressed within communities that can iterate standards necessary and allow for the greatest flexibility possible over the course of this public health emergency.

#### **V. Eligible Service Locations Need to Recognize Learning Takes Place Outside School Buildings**

In response to the Commission's request for comment on whether the Commission should impose restrictions on what locations can receive wireline and fixed wireless services supported by this distance learning, we respectfully urge the Commission to allow for schools and libraries to decide eligible service locations that best meet their needs. The pandemic has turbocharged the need for all students to have access to adequate connectivity and devices both at school and at home in order to meaningfully and equitably participate in learning. A 2019 Common Sense nationwide survey of teachers revealed troubling evidence of the continuing "homework gap," a

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<sup>15</sup> Chandra, S. et al., *Common Sense Media, Connect all students: How states and school districts can close the digital divide*, Common Sense Media 13 (2020), [https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common\\_sense\\_media\\_partner\\_report\\_final.pdf](https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common_sense_media_partner_report_final.pdf)

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.<sup>16</sup> The pandemic has exacerbated this gap and schools have necessarily had to come up with creative solutions to keep kids engaged and connected to learning. In response to the Commission's request for comment on whether to impose restrictions on what location can receive wireline and fixed wireless services, we urge the Commission to give schools as much flexibility as possible to decide which connectivity choice is right for their community based on local considerations. While the digital divide affects rural, urban and suburban communities, the solutions for closing this divide are highly dependent on local infrastructure and affordability. While fixed broadband, such as cable or residential fiber, typically offers the most reliable indoor service and fastest speeds and provides some of the lowest price points for internet access, many families with access to broadband networks are not connected due to barriers to adoption (e.g., affordability, sign-up requirements).

Where fixed broadband options do not exist, or where adoption barriers cannot be quickly overcome, cellular hot spots can be a necessary alternative. For example, school districts with students facing housing instability may find hot spots to be a more appropriate connectivity solution. In areas where both broadband and LTE access are lacking, other creative solutions might need to be taken. This could include deployment of Wi-Fi buses or the installation of mesh networks.<sup>17</sup> In order for schools to be able to deliver equitable and consistent access to distance learning they must have the flexibility to assess and determine which type of connectivity is appropriate and realistic for their students and communities.

We applaud the Commission's proposal to adopt rules to allow schools to use Wi-Fi hotspots on buses to provide broadband services to students and school staff who currently lack sufficient broadband access to fully engage in distance learning. The availability of different connectivity options depends on many factors, urban vs. rural, geographical characteristics, and

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<sup>16</sup> Amina Fazlullah & Stephanie Ong, *The Homework Gap: Teacher perspectives on closing the digital divide*, Common Sense Media (2019),

[https://www.commonsensemedia.org/sites/default/files/uploads/kids\\_action/homework-gap-report-2019.pdf](https://www.commonsensemedia.org/sites/default/files/uploads/kids_action/homework-gap-report-2019.pdf)

<sup>17</sup> Chandra, S. et al., *Connect all students: How states and school districts can close the digital divide*, Common Sense Media 15 (2020),

[https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common\\_sense\\_media\\_partner\\_report\\_final.pdf](https://d2e111jq13me73.cloudfront.net/sites/default/files/uploads/common_sense_media_partner_report_final.pdf)

historical local investment in broadband infrastructure. While we appreciate the Commission's dedication to maximize available funds, we do not see a reason for the Commission to implement any additional requirements that would require schools to unnecessarily document students and staff served at each location. Schools have a vested interest in ensuring their limited funds are also maximized and many schools, through digital needs assessments and for IT management purposes have record keeping mechanisms. Additional requirements by the FCC would not be helpful nor supportive of schools seeking to address this public health emergency.

#### **VI. Funding Prioritization Should Allow for Greatest Flexibility Possible**

In response to the Commission's request for comment on whether to prioritize funding for future purchases rather than reimbursements for already purchased equipment and services, we respectfully urge the Commission to allow for reimbursement of devices purchased from the onset of the Covid-19 public health emergency as designated under the American Rescue Plan. Any efforts to only allow reimbursement for future purchases would unfairly penalize schools that have allocated their limited resources in an effort to get their students connected as quickly as possible at the onset of this public health emergency. This is an evolving area for schools and there will be an ongoing need for schools to deploy devices in the months ahead to ensure students and staff are not unnecessarily cut off from distance learning and schools are able to plan for ongoing curriculum needs. Replacement rate for devices and an evolving understanding of what levels of service are necessary, require flexibility in the distribution of this funding. We urge the Commission to allow for self certification of schools and libraries to certify they will make their best efforts to prioritize neediest students. In addition, we recommend 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.

#### **VII. Conclusion**

As the Covid-19 public health emergency has dragged on for over a year, schools and libraries have demonstrated a commitment to ensuring all their students receive an equitable and quality education despite this unprecedented disruption to in person learning. Access to adequate connectivity and devices is critical to the educational 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 allow the Emergency Connectivity Fund the greatest flexibility possible to help ensure schools and libraries are able to provide devices and connectivity to students in the most efficient and impactful way throughout the duration of this public health emergency.

Respectfully submitted,

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