

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

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

**REPLY COMMENTS OF EDUCATIONSUPERHIGHWAY**

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EducationSuperHighway respectfully submits these reply comments in response to the Public Notice from the Wireline Competition Bureau requesting comments in the above-referenced proceeding.

**INTRODUCTION AND SUMMARY**

EducationSuperHighway again commends Congress and the Federal Communications Commission for recognizing the need to address the Homework Gap. Upon reviewing the initial comments, EducationSuperHighway would like to provide further comments on the following recommendations:

1. The Commission should follow its existing E-rate rules and practices and make all line item level procurement data related to the Emergency Connectivity Fund transparent and publicly available.
2. The Commission should require applicants to certify that funds are only being used for students who currently lack a home broadband connection or an educational device, or for students whose home broadband connection is currently being purchased and paid for by the applicant.<sup>1</sup>
3. The Commission should consider using a modified version of the E-Rate Category Two budget system to allocate ECF funds.
4. To help ensure the ECF can close the Homework Gap for as many students as possible for at least next school year, the Commission should prioritize prospective spending over reimbursement in one of two ways: (a) by implementing two application windows, the first for purchases supporting connectivity and devices for unconnected students for the summer 2021 and 2021-2022 school year, and the second for purchases made for the

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<sup>1</sup> EducationSuperHighway recognizes that the ECF is also intended to help libraries provide connectivity and devices to their patrons. Our comments are limited to how the Commission should manage the program as it relates to closing the Homework Gap for K-12 students.

2020 - 2021 school year; or (b) by implementing a single filing window and limiting funding to connectivity and device purchases made after the opening of the filing window.

5. Mobile phones should not be eligible for ECF purchases.

**I. THE COMMISSION SHOULD FOLLOW ITS EXISTING E-RATE RULES AND PRACTICES AND MAKE ALL ECF LINE ITEM LEVEL PROCUREMENT DATA RELATED TRANSPARENT AND PUBLICLY AVAILABLE**

In the First E-rate Modernization Order in 2014, the Commission adopted rules to create price transparency in the E-rate program:

“The Order adopts rules to increase pricing transparency to help schools and libraries find the best prices for E-rate services. Specifically, USAC must make publicly available on its website information regarding services and equipment purchased by school and libraries.”<sup>2</sup>

In addition, the Commission adopted rules to make E-rate data available in open, electronic formats in order to help districts make the most informed decisions:

“The Order adopts a number of additional measures to ease the burden upon applicants, expedite commitments, and ensure that all applicants receive complete and timely information to help inform their decisions regarding E-rate purchases. These measures include...a requirement for the publishing of all non-confidential E-rate data in open, electronic formats.”<sup>3</sup>

E-rate data transparency was one of the most important drivers for closing the digital divide for America’s K-12 public schools and can similarly accelerate the closing of the Homework Gap. By requiring applicants to report what they are buying, who it will benefit, who they are buying from, and at what price, the Commission can leverage open data to maximize the ECF’s effectiveness, enable new insights, give schools greater visibility, measure progress against goals that schools and policymakers may set, and help assess program performance. This data will be especially critical for measuring the program’s reach, its impact on closing the Homework Gap, identifying the populations that were most significantly impacted, and eventually quantifying the need for a more permanent Homework Gap solution that policymakers may evaluate after current program money runs out.

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<sup>2</sup> E-Rate Modernization Order, July 2014, ¶¶ 158-167.

<sup>3</sup> Ibid, Order ¶¶ 253-260.

To ensure the ECF has the same level of success closing the Homework Gap as the E-rate program has had in closing the K-12 classroom connectivity gap, the Commission needs to explicitly direct USAC to collect and make all ECF line item level procurement data publicly available. Without collecting and making available the appropriate information, the Commission and other stakeholders will struggle to maximize the effectiveness of the ECF and make the case for additional funding to permanently close the Homework Gap. In addition, if the Commission fails to follow its existing E-rate rules and practices as it relates to open data, it will be unable to answer critical questions that Congress, the White House and other stakeholders are certain to ask such as:

- Do we know whether the ECF has in fact advanced equity? As the President said “*This lack of data has cascading effects and impedes efforts to measure and advance equity. A first step to promoting equity in Government action is to gather the data necessary to inform that effort.*”
- How quickly will the program run out of money as it relates to the school year?
- What have been the most effective strategies for rapidly and effectively serving student needs?
- How successful has the ECF been, and how much of a need will there still be for a permanent homework gap solution after program money runs out?
- Are we able to tell members of Congress with data how impactful this is in their districts and states?
- Do we have the data we need to demonstrate to any critics that there hasn’t been waste, that it has been money well spent?
- Were schools able to do what they so successfully did in the E-Rate – harness open data to drive for the best deals for their students and teachers?

In our initial comments, we listed the data elements that USAC should collect in order to maximize the effectiveness of the ECF in closing the Homework Gap and position the Commission to answer these and other questions.<sup>4</sup> By utilising the E-rate Productivity Center (EPC) system and other E-rate forms and business processes to implement the ECF, the Commission will not create an undue burden on either USAC or applicants to make line item level data on ECF spending available in open, electronic form. For the most part, implementing this requirement will simply require USAC to modify the answers available in existing dropdown menus, or for applicants to fill out existing fields. For example, to implement our suggested data collection for home connectivity solutions USAC would simply need to include the following fields (updates needed to the current Form 471 in *italics*):

- Broadband Provider - *existing field*.

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<sup>4</sup> EducationSuperHighway Comments to WC Docket 21-93, page 10, April 5.

- Service type (e.g., cable, fiber, mobile hotspot, DSL, etc.) - *existing dropdown menu, USAC would update the available choices*
- Upload bandwidth speeds - *existing field.*
- Download bandwidth speeds - *existing field.*
- Data caps (if any) - *USAC needs to create a new field*
- Number of households served - *USAC needs to create a new field*
- Number of students served - *USAC needs to create a new field*
- Upfront cost (per unit and total) - *existing field.*
- Monthly recurring cost (per unit and total) - *existing field.*
- Contract start date - *existing field.*
- Contract end date - *existing field.*

For educational device purchases, USAC would simply need to do the following with the EPC forms that are currently used for Category 2 purchases:

- Device Manufacturer - *existing field.*
- Device type (e.g., iPad, tablet, Chromebook, laptop, desktop, etc.) - *existing field.*
- Model number - *existing field.*
- Cost per unit - *existing field.*
- Total cost - *existing field.*
- Processor & speed - *USAC needs to create a new field*
- Screen size - *USAC needs to create a new field*
- Memory (GB) - *USAC needs to create a new field*
- Storage (GB) - *USAC needs to create a new field*
- Connectivity (Wi-Fi, LTE, 5G, etc.) - *USAC needs to create a new field*
- Includes video camera (yes / no) - *USAC needs to create a new field*
- Any other accessories should be itemized (accessory, cost, quantity, etc.)

In order to provide the Commission, Congress, and other stakeholders with a clear assessment of the size of the Homework Gap and the ECF's impact on closing it, the Commission should also implement rules requiring applicants to estimate the number of students without a home broadband connection or a connected device when applying for ECF support. This will provide the baseline information that the WCB seeks in its Public Notice<sup>5</sup> and when combined with the information above will enable the Commission and other stakeholders to measure progress against closing the Homework Gap and the remaining need.

To collect this information, USAC should add the following fields to EPC and/or whatever forms it asks applicants to utilize to apply for ECF funds. As noted in our initial comments, providing this information will not be a burden for applicants as they have spent

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<sup>5</sup> Public Notice in WC Docket No. 21-93, released March 16, 2021

much of the last year collecting this very information and have a myriad of tools at their disposal to update this information quickly prior to applying for ECF funds if they so desire.<sup>6</sup>

- Number of students currently lacking home broadband access
- Number of students currently being served by a school district- sponsored broadband connection
- Number of students currently lacking a connected educational device

To date, various organizations, including EducationSuperHighway, have put together estimates for the size of the Homework Gap using different models.<sup>7</sup> However, to make significant strides in closing the Homework Gap, more precise data is needed. Collecting the data above as part of the ECF application will give the Commission, Congress and other key stakeholders a far more accurate estimate of the actual size of the Homework Gap, giving insight on the true number of students currently lacking home internet access and devices. Together with the open data collected on what applicants are using ECF funds for, It will also meet the directive in President Biden’s Executive Order on Advancing Racial Equity and Support For Underserved Communities which states:

*“This lack of data has cascading effects and impedes efforts to measure and advance equity. A first step to promoting equity in Government action is to gather the data necessary to inform that effort.”<sup>8</sup>*

## **II. THE COMMISSION SHOULD REQUIRE APPLICANTS TO CERTIFY THAT FUNDS ARE ONLY BEING USED FOR STUDENTS WHO CURRENTLY LACK A HOME BROADBAND CONNECTION OR DEVICE, OR FOR STUDENTS WHOSE HOME BROADBAND CONNECTION IS CURRENTLY BEING PURCHASED AND PAID FOR BY THE APPLICANT**

From the initial comment period, there is broad support from advocacy groups, education groups, and providers to honor the Emergency Connectivity Fund’s goal of closing the Homework Gap by connecting K-12 students who lack broadband and devices.<sup>9</sup> Commenters

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<sup>6</sup> EducationSuperHighway Initial Comments to WC Docket 21-93, page 9; CCSSO’s “Home Digital Access Data Collection: Blueprint for State Education Leaders” [https://ccsso.org/sites/default/files/2020-07/7.22.20\\_CCSSO%20Home%20Digital%20Access%20Data%20Collection%20Blueprint%20for%20State%20Leaders.pdf](https://ccsso.org/sites/default/files/2020-07/7.22.20_CCSSO%20Home%20Digital%20Access%20Data%20Collection%20Blueprint%20for%20State%20Leaders.pdf); CCSSO’s letter to SIS Vendors <https://digitalbridgek12.org/wp-content/uploads/2020/07/CCSSO-Letter-to-SIS-Vendors.pdf>

<sup>7</sup> Multiple estimates of the size of the Homework Gap conducted by EducationSuperHighway, Common Sense Media, Alliance for Education, and Funds for Learning; <https://digitalbridgek12.org/resources/why-many-students-lack-internet-access/>

<sup>8</sup> President Joe Biden’s Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sec. 9, January 20, 2021.

<sup>9</sup> Initial Comments from Benton Institute, EdLinc, Altice, US Telecom, Verizon, NCTA, Alaska DOE to WC Docket 21-93.

also broadly supported the notion that ECF funds should only be used to provide home connectivity or connected devices to students and library patrons who currently do not have these resources. EdLinc summed this consensus up well in its comments:

“We believe applicants should only apply for what they need to support unconnected students, plus a little more for breakage, and certify as to the number of students who will receive devices and/or home Internet access service. While this process cannot and will not be perfect, we believe it gets closest to the goal of getting devices and services to those who actually need them and have the fewest financial resources to acquire them.”<sup>10</sup>

This comment also shows that there is support for requiring applicants to certify that ECF funds are only being used to provide home Internet access services or a connected device to students and library patrons who currently lack these resources or whose home broadband connection is currently being purchased and paid for by the applicant. The Commission can achieve this objective by simply establishing this as a requirement for the use of ECF funding and then including the standard E-rate application certification that “*I certify that I and the entity(ies) I represent have complied with all program rules*” in the ECF application.

### **III. THE COMMISSION SHOULD CONSIDER USING A MODIFIED VERSION OF THE E-RATE CATEGORY TWO BUDGET SYSTEM TO ALLOCATE ECF FUNDS**

Funds For Learning makes a strong case regarding the efficacy of the Category 2 budget system, and how it can be used as a model for the Emergency Connectivity Fund.<sup>11</sup> EducationSuperHighway agrees that the Funds for Learning proposal would quickly and fairly allocate ECF resources to schools and libraries and address the concerns of commenters regarding a one month window being too short for applicants to do an effective job of utilizing ECF resources.<sup>12</sup>

However, if the Commission does elect to implement the ECF using an approach similar to what Funds for Learning has proposed, it is critical that the Commission establish the following guardrails to ensure that K-12 applicants use these funds to meet the objective of closing the Homework Gap:

1. Applicants must certify that ECF funding is only being used to provide home Internet access services or a connected device to students who currently lack these

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<sup>10</sup> EdLinc Initial Comments to WC Docket 21-93, page 10.

<sup>11</sup> Funds For Learning Initial Comments to WC Docket 21-93, pages 7 - 9.

<sup>12</sup> For example, Oregon Department of Education argued that the 30 day window is too short in its comments to WC Docket 21-93, page 1.

resources or whose home broadband connection is currently being purchased and paid for by the applicant.

2. Applicants should only be allowed to use these funds for purchases made after the opening of the first ECF application window.
3. Applicants should only be allowed to use these funds for connected devices that can support robust remote learning, a definition that does not include mobile phones.
4. Device spending should be limited to \$500 per device for the reasons cited in our initial comments and to ensure that we do not end up in a situation where millions of students have devices but no ability to connect to the Internet at home because purchasing devices is the easiest thing for applicants to do.
5. Applicants should be required to provide the data outlined in Section I of these reply comments.

In addition, if the Commission elects to implement a version of the Funds For Learning proposal, EducationSuperHighway suggests that school districts have until the end of the 2022-23 school year to determine how they wish to use their budget. Without a need to make funding decisions based on the amount of funding applied for, the Commission should give applicants the time they need to make thoughtful procurement decisions that do not force applicants to use ECF funds on connectivity and device solutions that can be purchased most expeditiously. Rather than having a prescribed filing window, applicants should be allowed to simply submit requests for reimbursement for eligible home Internet access solutions and connected devices for unconnected students or library patrons at any time through the end of the 2022-23 school year.

#### **IV. THE COMMISSION SHOULD PRIORITIZE PROSPECTIVE PURCHASES OVER REIMBURSEMENT USING ONE OF THE FOLLOWING APPROACHES**

To help ensure the ECF can close the Homework Gap for as many students as possible for at least next school year, the Commission should prioritize prospective purchases over reimbursements in one of two ways: (a) by implementing two separate application windows, the first for purchases supporting connectivity for the summer 2021 and 2021-2022 school year, and the second for purchases made for the 2020 - 2021 school year; or (b) by implementing a single filing window and limiting funding to connectivity and device purchases made after the opening of the filing window. Either of these options can be successful approaches to ensuring that funding is prioritized for closing the Homework Gap and providing USAC with the time to review and award funding that is necessary to implement solutions for next school year. The first option more equitably ensures that all applicants can provide their students and library patrons with the home connectivity and connected devices they need for the coming school year, while also allowing the Commission to use excess funds to reimburse past purchases.



## **V. MOBILE PHONES SHOULD NOT BE ELIGIBLE FOR ECF PURCHASES**

Lastly, we oppose the initial comments that mobile phones be eligible for the ECF. In the course of our Digital Bridge K-12 initiative, in partnership with the Council of Chief State School Officers, EducationSuperHighway has collected feedback from school districts and state departments of education. Our findings make it clear that both the speed of a broadband connection and the amount of available data to students significantly impact their ability to participate in remote learning. Specifically, school districts have reported that a 25/3 Mbps connection appears to be the minimum wireline speed to enable consistent remote learning participation. They also note that even this is insufficient when more than two students try to participate in remote learning over a single connection.

In the case of broadband-related purchases, the Commission should limit the use of ECF to Internet connectivity solutions and the hardware required to access these solutions, including wireline broadband modems, routers, and devices that combine a modem and router and hotspots with no data caps. Only services that meet or exceed the Commission's 25/3 broadband standard should be eligible for ECF support unless no such service is available at the student's home. Additionally, as we advocated in our initial comments, the Commission should allow applicants to use a variety of technologies and strategies to provide home broadband for students.<sup>13</sup>

## **CONCLUSION**

The Emergency Connectivity Fund is a groundbreaking stride in the road to a permanent closure of the K-12 Homework Gap. Implemented effectively, with a goal of closing the Homework Gap, a focus on students who currently lack either a home broadband connection or educational device, and policies that ensure the availability of data that demonstrates the cost-effective progress that has been made, the Emergency Connectivity Fund can provide the evidence needed to convince policymakers to fund a permanent solution to this critical issue of educational equity.

Respectfully submitted,

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<sup>13</sup> EducationSuperHighway Initial Comments, p 11.