November 1, 2019

<u>Ex Parte</u>

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Modernizing the E-rate Program for Schools and Libraries (WC Docket No. 13-184)*

Dear Ms. Dortch:

On October 30, 2019, Bret Wincup of Hewlett Packard Enterprise ("HPE"), Peter Kaplan of Aruba, a Hewlett Packard Enterprise company, Jared Weaver of the Alpine Group, and Julie Veach of Harris, Wiltshire & Grannis LLP met with Joseph Calascione, Legal Advisor to Commissioner Carr. We discussed the urgent need for schools and libraries to be able to use E-rate funding for network security as a necessary component of broadband and internal connections.

Please be in touch if you have any questions.

Sincerely,

Julie A. Veach
Counsel to Aruba, a Hewlett Packard
Enterprise Company

Attachment

cc: Joseph Calascione

Adding Advanced Network Security to the 2020 Eligible Services List

- There is <u>100% consensus</u> amongst the education community and industry that it is critical that advanced network security be added to the FY 2020 Eligible Services List

- State E-rate Coordinators Alliance (SECA)
  - Part of network monitoring also should include allowance for network security features and services to protect networks against intrusion and interference. Networks security and intrusion detection services are often bundled together with firewalls, but currently, these features of firewall appliances are not eligible and must be deducted from firewall appliances. Considering how frequently cyber-attacks occur, it is essential that networks be protected against such malicious attacks. Schools and libraries have been forced to equip themselves with such protection measures, but they must separately bear the burden of these network security costs, because they are ineligible for E-rate funding. This restriction leads to more complex application preparation and processing in order to perform cost allocations to quantify associated costs and remove them from funding requests and for the costs to be borne fully from local budget resources.

- American Library Association
  - Our position is that there are sufficient funds in the program and it is time to urgently address this serious issue

- Funds For Learning
  - C2 Eligible Services Should be Expanded. The Commission also asks whether there are any additional services that should be made eligible for C2 funding. Yes, there are. In terms of achieving all the E-rate program's goals and objectives, it makes perfectly good sense to give applicants the flexibility to spend their C2 budgets on whatever network infrastructure they believe is most important for them to spend it on, *including* I.T. security and network monitoring. We cannot think of any good reason why the Commission would not want to do this. That only 33% of schools and 6% of libraries maxed out their budgets in the past five years proves that applicants can be trusted to purchase only those goods and services which they need and can afford.

- EducationSuperhighway
  - Our initial comments provided detailed information on specific network security features, devices and services that should be made eligible for E-rate support.5 Twenty-one other commenters advocated for adding network security products to the Eligible Services List. As cyberattacks continue to threaten school districts nationwide, network security features, "such as caching, advanced firewall

features, anti-intrusion, and DDOS prevention and mitigation are critical to the efficient operation of any network

- **Nebraska Department of Education**
  - Adopt Advanced Firewall Services as an eligible service as well as other Cybersecurity measures.

- **Iowa Department of Education**

  - As cited by EducationSuperHighway, - *Network security is an ever more critical component of educational technology infrastructure; schools who lack robust, modern network defense systems and filtering endanger the safety and security of their students, staff, and data.* ESH (page 6); The Department supports the recommendations by ESH on page 7 of their initial comments to add the following items to the C2 Eligible Services List:
    - All components of C2 firewalls
    - Content filtering
    - Deep packet inspection (DPI) capabilities, including Intrusion Detection System (IDS) and/or Intrusion Prevention System (IPS)
    - Network Management Systems (NMS)

- **Ohio Information Technology Centers**
  - Supports CoSN comments to include advanced network security solutions.

- **Wisconsin Department of Public Instruction**
  - We also call attention to the joint comments filed by the State E-rate Coordinators' Alliance (SECA) and the Schools, Health & Libraries Broadband Coalition (SHLB).7 Their comments provide the legal rationale on why filtering should be eligible. In addition to making filtering E-rate eligible we agree with a number of commenters who said it is equally necessary to make a wide array of security tools Category 2 eligible.

- **Illinois Department of Innovation & Technology**
  - Similarly, the Commission should take the opportunity in this proceeding finally to address one of the most needed changes in the E-rate eligibility rules, namely that of information technology security hardware and software and network monitoring.

  - **Council of Chief State School Officers**
    - Currently, the only security measure eligible for E-rate support is basic firewall service. In addition to this service, we recommend allowing Category 2 funds to be used to protect broadband networks from increasingly prevalent cyberattacks,

including but not limited to the costs for equipment or services which provide advanced firewall, intrusion detection, and DDoS attack mitigation. We believe these basic supports and services are necessary to the effective operation of a broadband network.

- o FL Department of Education
    - o Our respondents made it abundantly clear that the eligibility of security systems is one of their primary concerns.

- o State of SC
    - o The Commission must consider the Wi-Fi networks funded through the E-Rate program as an investment in America's students. As such, the Commission must realize that in order to protect the investment it has made, the Commission should include products and services on the eligible services list such as advanced threat protection and network security. Today, the Commission requires that applicants who choose products, such as firewalls with advanced threat protection, to cost allocate a portion of the cost attributable to advanced threat protection. Removing this cost allocation requirement will result in more secure and resilient Wi-Fi networks and simplify the Category 2 Program.

- • New Mexico Public School Facilities Authority
    - o This definition is very broad and PSFA believes cyber-security, network management, and content filtering are required to enhance information services to school classrooms. If a district cannot manage, filter, or secure its network it cannot deliver information services to the classroom. Prior to the E-Rate Modernization Order, the program was oversubscribed almost every year, so allowing these services to be eligible was not economically reasonable. With the implementation of Category 2 budgets, making these services eligible would be economically feasible.

Industry Supports Expanding ESL to Include Advanced Network Security Products
- • HPE Aruba
- • Cisco Systems
- • Fortinet