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Office of Technology Support & Data Management
Southwest Independent School District
11914 Dragon Lane
San Antonio, TX 78252

JUL 25 2001

FCC MAIL ROOM

7/16/01

Federal Communications Commission
Office of the Secretary
445-12th Street, S.W.
Room TW-A325
Washington, DC 20554

RE: In the matter of: Request for Review by Southwest Independent School District of Decision of the Universal Service Administrator (see Docket Nos. 97-21 and 96.45)

To Whom It May Concern:

The Southwest Independent School District files this appeal as a party aggrieved by "an action taken by a division of the Administrator, as defined in § 54.701(g)." This party's interest relates to the loss of support (See Attachment B) for telecommunications services, Internet services, and telecommunications infrastructure development as allowed under the FCC E-rate program. The party has obtained these resources in Years Two and Three of the program. Whereas the party has a single year of deep development remaining in its telecommunications infrastructure work, and whereas the party is an economically at risk school district (Attachment A), FCC support under the Erate program is both critical and beneficial to helping the party (a) meet Federal and State goals for telecommunications development in schools, and (b) do so in a timely manner. Additionally, the party concludes that the reason for rejection is trivial and non-substantive. The following was emphasized in the first level appeal to the USAC.

...in a review of the differences existing between the 1999 form and the 2000 form, SWISD found nothing to suggest that the earlier form would present SLD personnel with an undue burden in a review of the application. ...It should be noted that the Southwest Independent School District falls into that category of districts toward which the support of the Erate program is most directed. The discount allowance overall for the district is 86%. Nine of the Twelve campuses included in the application present for the highest discount percentage allowed within the Erate program.

These elements persist as important reasons to overturn the decision that denies SWISD Erate funds for Year Four. The rejection of the application appears excessive. Moreover, it undermines the true intent of the program...to enable property poor school districts (and hence revenue poor school districts (see Attachment C)) to build a telecommunications infrastructure in their schools.

Upon notification of the filing error that led to the rejection, the District submitted an application on the 2000 form and submitted it with its SLD appeal. This submission was rejected, however, because it did not meet the filing deadlines. The filing rules made it impossible for the District to rectify the matter. Administrative convenience predominated over the intention of the program overall.

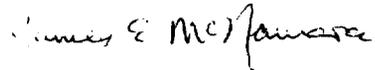
Southwest Independent School District seeks a reversal of the denial based upon these facts. The SLD is in possession of all the information it needs to process an Erate application, the placement of this information on a 1999 form notwithstanding. The notice of a "past due" application presents an easy alternative to

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accepting the district's application and suggests that administrative protocol is more important than program intent. The denial forthwith throws out of the mix a district most suitable to the goal of the E-rate initiative, that is, an low income, at-risk district.

Keeping in mind the intent of the E-rate initiative, the District respectfully requests the FCC to overturn the denial and permit consideration of its Year Four E-rate application. I am available for questions, data requests, and clarifications on all matters concerning this appeal. I can be reached at the number above or via E-mail, jim.mcnamara@southwest.k12.tx.us. Please feel free to contact me. Thank you.

Sincerely,



James E. McNamara
Director of Technology Support and Data Management

Enclosures

cc. Homero Rodriguez, Assistant Superintendent for Administration/Human Resources
Honorable Charles Gonzalez, U.S. Congressman
Honorable Phillip Gramm, U.S. Senator
File:Erate2.YearFourApplication/Appeal/FCCAppeal

Entity Number _____ Applicant's Form Identifier _____
 Contact Person _____ Phone Number _____

Block 4: Discount Calculation Worksheet A for Schools/School Districts

Worksheet #A- 1

Page 1 of 2

Instructions: If you are filing a School/School District application, use this worksheet to calculate the discount rate for site-specific services and/or to determine the weighted average discount calculations for shared services.

(For Administrator's Use)

10a If you are:

- **Applying for discounts ONLY for an individual school, or ONLY site-specific services:** Complete columns 1-7 only for each school. Add and number pages as needed. Then use each school's Entity Number and its discount from Column 7 to complete Block 5 site-specific service to that school.
- **Applying for discounts on services shared by ALL schools in the district (with or without site-specific services as well):** Complete all columns 1-8 for all schools in the district. Then use the Weighted Average Discount in 10c (below) to complete Block 5 for shared services.
- **Applying for discounts on different shared services shared by different groups of schools (with or without site-specific services as well):** Complete one worksheet, columns 1-8 PLUS 10c, for EACH different group of schools sharing a service. Designate this worksheet A-1, A-2, A-3, etc.

10b List entities and calculate discount(s).

School District Name: _____ School District Entity Number: _____

1	2	3	4	5	6	7	8
Name of Eligible School	Entity Number	Urban or Rural U or R	Total # of Students	# of Students Eligible for NSLP	% Students Eligible for NSLP (Col. 5 ÷ Col. 4)	Discount % from Discount Matrix	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)
Siv High School	90977	U	2459	1496	61%	80%	1967
McAuliffe JH	90970	U	697	609	87%	90%	627
Seabee JH	90953	U	762	468	61%	80%	610
SW Enrichment Center	90976	U	157	130	83%	90%	141
McVair 6 th Grade	90973	U	697	554	79%	90%	627
SW Elementary	90975	U	463	379	82%	90%	417
Sun Valley Elementary	90978	U	445	359	81%	90%	401
Indian Creek Elementary	90967	U	767	678	88%	90%	690
Hidden Cove	90972	U	636	609	96%	90%	572
Totals for calculating Weighted Average Discount							

10c Weighted Average Discount % for Shared Services (Col. 8 total divided by Col. 4 total. Round to nearest %) →

Entity Number 19777 Applicant's Form Identifier 7/1/07 22/2000
 Contact Person James J. Williams Phone Number 703 666 6122

Block 4: Discount Calculation Worksheet A for Schools/School Districts

Worksheet #A- 1

Page 2 of 2

Instructions: If you are filing a School/School District application, use this worksheet to calculate the discount rate for site-specific services and/or to determine the weighted average discount calculations for shared services.

(For Administrator's Use)

10a If you are:

- Applying for discounts **ONLY** for an individual school, or **ONLY** site-specific services: Complete columns 1-7 only for each school. Add and number pages as needed. Then use each school's Entity Number and its discount from Column 7 to complete Block 5 site-specific service to that school.
- Applying for discounts on services shared by **ALL** schools in the district (with or without site-specific services as well): Complete all columns 1-8 for all schools in the district. Then use the Weighted Average Discount in 10c (below) to complete Block 5 for shared services.
- Applying for discounts on different shared services shared by different groups of schools (with or without site-specific services as well): Complete one worksheet, columns 1-8 PLUS 10c, for EACH different group of schools sharing a service. Designate this worksheet A-1, A-2, A-3, etc.

10b List entities and calculate discount(s).

School District Name: _____ School District Entity Number: _____

1 Name of Eligible School	2 Entity Number	3 Urban or Rural U or R	4 Total # of Students	5 # of Students Eligible for NSLP	6 % Students Eligible for NSLP (Col. 5 + Col. 4)	7 Discount % from Discount Matrix	8 Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)
Sky Harbor	90974	U	562	494	88%	90%	506
Bob Hope	90969	U	324	268	83%	90%	292
Big Country	90968	U	565	287	51%	80%	452
Totals for calculating Weighted Average Discount			8,534				7,302

10c Weighted Average Discount % for Shared Services (Col. 8 total divided by Col. 4 total. Round to nearest %) \rightarrow 86%



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

June 26, 2001

James E. McNamara
Southwest Independent School District
11914 Dragon Lane
San Antonio, TX 78252

Re: Billed Entity Number: 141556
471 Application Number: 264591
Funding Request Number(s): 8 not assigned
Your Correspondence Dated: April 5, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 8 not assigned
Decision on Appeal: **Denied in full**
Explanation:

- You have stated on appeal that it is your conclusion that the reason the Form 471 was rejected for not being the correct OMB-approved FCC Form 471 dated October 2000 in the lower right hand corner of the form is non-substantive. You admit that the submitted form was not the one approved for Funding Year 4. However, this problem is easily remedied. You state that you have already completed the Form 471 application using the OMB-approved FCC 2000 form (enclosed with your appeal). You also state that you have found that the differences existing between the 1999 form and the 2000 form do nothing to suggest that the earlier form would present the SLD personnel with an undue burden in a review to the application. Therefore, you believe that the rejection of the Form 471 application overall is excessive. You close your appeal by stating that the District employed a piece of software from a nationally renowned company. The software was so successful in assisting the District in preparing its previous years application that the software was re-obtained for the Year

Four application. Apparently the software did not include the form update 2000. You state that the District believes that it acted in good faith in using the software to generate a Year Four application and you formally request that the SLD overturn its rejection and put SWISD on the fast track to approval along with other districts.

- After thorough review of your appeal, it was determined from the Form 471 application submitted that the incorrect OMB-approved FCC Form 471 has been used in Funding Year Four. The lower right hand corner of this form shows September 1999 instead of October 2000. This is the reason the application was rejected for Minimum Processing Standards in Year 4. According to program rules the Form 471 is considered to be received when it has the required information necessary to pass Minimum Processing Standards. Since the Form 471 was not the correct OMB-approved FCC Form 471 for Funding Year 4 (dated October 2000 in the lower right hand corner of the form) it was returned in accordance with program rules. It is also noted (with regards to your correct OMB-approved FCC Form 471 dated October 2000 in the lower right hand corner of the form which was included with your appeal), that the Funding Year 4-window deadline for submitting all Form 471 applications was January 18, 2001. Consequently, the SLD will not data enter your funding requests, and your appeal is denied in full.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

1999-2000 ACCOUNTABILITY DISTRICT DATA TABLE

Small numbers (less than 5) are masked by an asterisk(*) for confidentiality.

BASE INDICATORS

District Name: SOUTHWEST ISD
District Number: 015912
District Rating: ACADEMICALLY ACCEPTABLE

Analysis groups used to determine ratings are highlighted in BLUE.

ATTENDANCE TABLE

1998-99 Attendance Data			
	Total Days Present	Total Days Absent + Total Days Present	Attendance Rate
All Students	1,462,343	1,548,864	94.4%

DROPOUT TABLE

Student Groups	1998-99 Dropout Data, Grades 7-12				1997-98 Dropout Data, Grades 7-12		
	Number of Dropouts	Cumul. Member.	Student Group Percent	Dropout Rate	Number of Dropouts	Cumul. Member.	Dropout Rate
All Students	172	4,524	100.0%	3.8%	90	4,455	2.0%
African American	5	194	4.3%	2.6%	1	191	0.5%
Hispanic	153	3,699	81.8%	4.1%	82	3,645	2.2%
White	14	615	13.6%	2.3%	7	599	1.2%
Econ. Disadvantaged	80	2,858	63.2%	2.8%	44	2,841	1.5%

TEXAS ASSESSMENT OF ACADEMIC SKILLS (TAAS) TABLE

Student Groups	Spring 2000, Grades 3-8 & 10					Spring 1999, Grades 3-8 & 10 ***			
	Number Passing	Number Taking	EOC Credit **	Student Group Percent	Percent Passing	Number Passing	Number Taking	EOC Credit **	Percent Passing
READING:									
All Students	3,530	4,200	25	100.0%	84.0%	3,394	4,204	0	80.7%
African American	168	192	2	4.6%	87.5%	170	195	0	87.2%
Hispanic	2,812	3,405	19	81.1%	82.6%	2,684	3,402	0	78.9%
White	527	579	3	13.8%	91.0%	518	580	0	89.3%
Econ. Disadvantaged	2,481	3,044	11	72.5%	81.5%	2,398	3,087	0	77.7%
MATH:									
All Students	3,612	4,290	25	100.0%	84.2%	3,427	4,292	0	79.8%
African American	174	194	2	4.5%	89.7%	165	196	0	84.2%
Hispanic	2,875	3,476	19	81.0%	82.7%	2,731	3,477	0	78.5%
White	539	596	3	13.9%	90.4%	507	589	0	86.1%
Econ. Disadvantaged	2,585	3,119	11	72.7%	82.9%	2,467	3,167	0	77.9%
WRITING:									
All Students	1,525	1,758	25	100.0%	86.7%	1,457	1,746	0	83.4%
African American	85	91	2	5.2%	93.4%	62	75	0	82.7%
Hispanic	1,196	1,399	19	79.6%	85.5%	1,177	1,423	0	82.7%
White	233	257	3	14.6%	90.7%	210	239	0	87.9%
Econ. Disadvantaged	1,013	1,205	11	68.5%	84.1%	1,006	1,238	0	81.3%

** The number of students who met the testing requirement for graduation by passing end-of-course examinations and did not take any exit-level TAAS test in spring of the year shown. These numbers are included in the number passing and the number taking.

*** Note: Spring 1999 results have been recalculated to include Spanish grade 4 (writing) and Spanish grades 5 and 6 to provide comparability between 1999 and 2000. These spring 1999 results were labeled "2000 Preview Indicator" on your 1998-99 AEIS report.

Standards Table for Accountability Ratings	Standards Table for Additional Acknowledgment	Glossary	Helpful Hints for Printing
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ADDITIONAL INDICATORS