97-21

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TO: Federal Communications Commission, Office of the Secretary

FROM: Mr. Lefkowitz

DATE: 8/13/02

COMPANY: Yeshiva Jesode Hatorah

RE: Funding Year 3 Appeal

PHONE NUMBER: 718-384-6393

FAX NUMBER: 718-384-5530

☑ URGENT ☑ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please find the following documents:

- FCC Appeal with original signature.
- A copy of the original Funding Commitment Decision Letter.
- A copy of the original appeal which includes the following documents:
  - A copy of the letter from the Board of Jewish Education explaining the Monthly Claim For Reimbursement National School Lunch Program Form Sa-603.
  - A copy of Form Sa-603
  - A copy of the letter from the Board of Jewish Education stating the eligible numbers of students that qualifies for the free and reduced lunch program.
  - A copy of the Provision 2 Rate Entry Form for Yeshiva Jesode Hatorah from Funding Year 2.
- A printed display from the Child Nutrition Management System for Yeshiva Jesode Hatorah during the months of May, June and July of 2000 showing the actual eligible numbers of students that qualify for the free and reduced lunch program.
- A copy of the Schools and Libraries Division's appeal decision letter.
- A letter from the Supervisor of the Child Nutrition Reimbursement Unit explaining how the SLD used incorrect data and that the data has been since corrected.

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List ABCDE

Yeshiva Jesode Hatorah
505 Bedford Ave
Brooklyn, NY 11211
P 718-384-6393
F 718-384-5530

RECEIVED & INSPECTED
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Letter of Appeal

August 13, 2002

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

RE: CC Docket Nos. 96-45 and 97-21

Entity# 159027
471 Application #: 204874
Funding Year: 7/1/2000-6/30/2001

We are appealing the denial of an appeal that our school submitted to the Schools and Libraries Division of USAC. The appeal was in regard to a change in the discount level our school received for items and services applied for in our Funding Year Three (2000-2001) E-Rate form 471 application number 204874.

On the form 471 we indicated that our school was eligible for a 90% discount based on greater than 75% of our students being eligible for the National School Lunch Program.

The impact of the change in discount was that we received a 67% discount instead of a 90% discount on telecommunication funding and we were totally denied all internal connection funding because in Funding Year Three (2000-2001) the fund was not able to provide funding for schools with less than an 81% discount level.

The funding commitment decision letter we received described the change as follows:

RE: Funding Request Numbers: 474826, 474827, 474830, 474831, 474832, 474833, 474834, 474835, 474837, 474838, 474840, 474841, 474842, 747843, 475622.

The Funding Request Numbers referred to above were approved funding, however modified by the SLD. "The shared discount was corrected.""

RE: Funding Request Numbers: 474805, 474810, 474814, 474818, 474820, 474823,

The Funding Request Numbers referred to above were denied funding with the

explanation that "The shared discount was corrected. Funding cap will not provide for Internal Connections less than 81% discount to be funded."

After receiving the funding commitment decision letter with the modified discount level we reviewed the information that we provided during the Program Integrity Assurance (PIA) period of the application process.

As part of the PIA process we were asked to provide documentation supporting the discount level we indicated we were eligible for.

Since student eligibility for the National School Lunch Program is one of the methods to determine discount level eligibility we provided the PIA reviewer with a copy of our Form SA-603 "Monthly Claim for Reimbursement National School Lunch Program".

In the SLD denial of our appeal they specifically indicated that "These forms (SA-603) are accepted by SLD as support for discount calculations", thus indicating the correctness of our providing the PIA reviewer the SA-603 form in response to his request.

However in examining the form we realized that the format of the form is very misleading in that the number of children listed in the "approved" columns (D&E) was not accurate based on the current student population.

At that point we contacted the Board of Jewish Education (BJE), the agency that files our claims for reimbursement for the National School Lunch Program, to ask for an explanation.

The BJE explained that on the form SA-603 Provision 2 schools like ours are required to always list the quantity of approved students from the "Base" year of the schools election to Provision 2.

Since the current total enrollment column lists the actual current student population but the approved columns (D&E) listed the approved number from an earlier year, the "Base" year, when the enrollment was lower, a ratio made from these numbers produces an inaccurate percentage of approved students to total enrollment.

The BJE further explained how to determine the actual percentage of approved students. The procedure is described in our appeal to the SLD (attached).

The misleading format of the SA-603 was subsequently recognized by the State Education Department / The University Of The State Of New York Child Nutrition Reimbursement Unit. Please see the attached letter from Richard Connell, Supervisor, Child Nutrition Reimbursement Unit, which verifies what the BJE explained to us and what we subsequently stated in our appeal to the SLD.

In our appeal to the SLD we showed, based on the information given to us by the BJE that the SLD erred in their determination of our discount level because of a

misunderstanding of the format of the form SA-603. We also described a method, based on the information provided by the BJE, that the SLD could have used to determine the percentage of eligible students using the form SA-603 submitted.

After the submission of the appeal we submitted attachments to the appeal providing additional information further substantiating that the information provided in our appeal was correct and that the discount level we claimed being eligible for was correct. The additional information provided during the appeal process included:

A letter dated February 16, 2000 from the BJE explaining the format of the form SA-603.

A fax sent to the appeal reviewer of the SLD showing a "print screen" of the BJE's database on our school showing the percentage of eligible students substantiating our original claim and that indicated in the appeal submitted to the SLD.

A letter, as requested by the appeal reviewer, dated November 8, 2001 from the BJE flatly stating that for the period of July 2000 through June 2001 85.39% of our students qualified for free or reduced meals.

A telephone conversation with the appeal reviewer in which we guided him to the State Education Department / The University Of The State Of New York Child Nutrition Reimbursement Unit web-site at which time the reviewer ran a query which showed that our school had a percentage of eligible students consistent with our claim.

A copy of the query is attached. It should be noted that the web site was not available at the time of our application or at the time of our appeal.

We asked the reviewer if he wanted us to send him a printout copy of the query at which time he told us it would not be necessary.

In the SLD denial of our appeal they stated:

"You indicated on your form 471 that your discount eligibility is 90%. SLD review of your application determined that your discount eligibility was 67%. You did not demonstrate in your appeal that the adjustment SLD made to your discount percentage was incorrect because the forms used by the State of New York clearly states in columns D & E the Number of Approved Applicants for Free and Reduced lunches. These forms are accepted by SLD as support for discount rate calculations. The application of the information on them has been consistently applied throughout the E-Rate program. Consequently, SLD denies your appeal."

This statement above clearly indicates that the SLD used columns D & E of the form SA-603 in calculating the percentage of eligible students for our school.

Our appeal to the SLD and subsequent information provided during the appeal process clearly demonstrated based on information provided by knowledgeable, reliable and

respected sources that the adjustment SLD made to our discount percentage was incorrect due to a misunderstanding of the format of form SA-603.

The attached letter from Richard Connell, Supervisor, Child Nutrition Reimbursement Unit verifies that the information provided was accurate.

Our appeal also described a method, based on the information provided by the BJE, that the SLD could have used to determine the percentage of eligible students using the form SA-603 submitted.

In addition, the additional information provided during the appeal process clearly supported our discount level claim independently from but consistent with the form SA-603.

Based on the information presented herein we request that our appeal be granted and our discount percentage be changed to 90% and the denied FRN(s) be approved for funding.

Sincerely,

Joseph Lefkowitz
Administrator

USAC

Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 3: 07/01/2000 - 06/30/2001)

January 12, 2001

Yeshiva Jesode Hatorah
MR. LEFKOWITZ
505 BEDFORD AVE
BROOKLYN, NY 11211

Re: Form 471 Application Number: 204874
Funding Year 3: 07/01/2000 - 06/30/2001
Billed Entity Number: 159027

Thank you for your 2000-2001 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved. The Form 486 will be mailed to you under separate cover and is also available on the SLD web site at www.sl.universalservice.org. If you are filing a Form 486 for Funding Year 3 services (July 1, 2000 through June 30, 2001), there are certain circumstances under which you will be able to file your Form 486 before the receipt of services. These circumstances are detailed in the letter being sent to you under separate cover and on the web site. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you.

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SLD at the address below WITHIN 30 DAYS OF THE ABOVE DATE ON THIS LETTER. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474805 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $28,900.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

Funding Request Number: 474810 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $17,125.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

Funding Request Number: 474814 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $4,840.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

Funding Request Number: 474818 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $8,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474820 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $85,555.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

Funding Request Number: 474823 Funding Status: Not Funded
SPIN: 143005086 Service Provider Name: Communication Data & Sec. Inc. dba Team Comm.
Contract Number: 63876388
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $13,998.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The shared discount was corrected.Funding cap will not provide for Internal Connections < 81 % discount to be funded. Please see WWW.SL.UNIVERSALSERVICE.ORG for further details.

Funding Request Number: 474826 Funding Status: Funded
SPIN: 143001359 Service Provider Name: Verizon- New York Inc.
Contract Number: T
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393-851-225
Pre-Discount Amount: $18,000.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $12,060.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474827 Funding Status: Funded
SPIN: 143011233 Service Provider Name: Efficy Group,Inc.
Contract Number: T
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: A121357
Pre-Discount Amount: $360.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $241.20 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474830 Funding Status: Funded
SPIN: 143004056 Service Provider Name: American Long Lines, Inc.
Contract Number: T
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 11252601
Pre-Discount Amount: $540.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $361.80 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474831 Funding Status: Funded
SPIN: 143000677 Service Provider Name: Cellco Partnership dba Bell Atlantic Mobile
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 103428289
Pre-Discount Amount: $7,860.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $5,266.20 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474832 Funding Status: Funded
SPIN: 143006742 Service Provider Name: Sprint Spectrum LP / Phillieco LP (dba Sprint
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 0030566371-5
Pre-Discount Amount: $540.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $361.80 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474833 Funding Status: Funded
SPIN: 143000559 Service Provider Name: Cellular Telephone Co. dba AT&T Wireless Serv
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 39160916
Pre-Discount Amount: $2,400.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $1,608.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474834 Funding Status: Funded
SPIN: 143012598 Service Provider Name: Universal Communications
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: [illegible]
Pre-Discount Amount: [illegible]
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $297.48 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474835 Funding Status: Funded
SPIN: 143004327 Service Provider Name: America Online
Contract Number: MTM
Services Ordered: Internet Access
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing [illegible]
Pre-Discount Amount: [illegible]
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $503.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474837 Funding Status: Funded
SPIN: 143001359 Service Provider Name: Verizon- New York Inc.
Contract Number: MTM
[illegible]
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $6,660.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $4,462.20 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474838 Funding Status: Funded
SPIN: 143001359 Service Provider Name: Verizon- New York Inc.
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $6,660.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $4,462.20 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474839 Funding Status: Not Funded
SPIN: 143011233 Service Provider Name: Efficy Group,Inc.
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $38,838.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Inel. entity receiving service
Funding Commitment Decision Explanation: A significant portion of the FRN is a request for an ineligible entity Summer Camp which is not eligible to receive fundin based on the program rules for eligible entities.

Funding Request Number: 474840 Funding Status: Funded
SPIN: 143001359 Service Provider Name: Verizon- New York Inc
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 718-384-6393
Pre-Discount Amount: $8,400.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $5,628.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474841 Funding Status: Funded
SPIN: 143001359 Service Provider Name: Verizon- New York Inc.
Contract Number: T
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: N/A
Pre-Discount Amount: $25,500.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $17,085.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 474842 Funding Status: Funded
SPIN: 143012598 Service Provider Name: Universal Communications
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: N/A
Pre-Discount Amount: $864.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $578.88 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 204874

Funding Request Number: 474943 Funding Status: Funded
SPIN: 143000877 Service Provider Name: Cellco Partnership dba Bell Atlantic Mobil
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: N/A
Pre-Discount Amount: $10,800.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $7,236.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Funding Request Number: 475622 Funding Status: Funded
SPIN: 143012598 Service Provider Name: Universal Communications
Contract Number: MTM
Services Ordered: Telecommunications Service
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: 06/30/2001
Billing Account Number: 914-793-1700
Pre-Discount Amount: $60.00
Discount Percentage Approved by the SLD: 67%
Funding Commitment Decision: $40.20 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.

Yeshiva Jesode Hatorah

505 Bedford Ave
Brooklyn, NY 11211
718-302-7500

Letter of Appeal

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Entity# 159027
471 Application# 204874
Funding Year: 7/1/2000-6/30/2001

The following is an appeal of the funding commitment for Application Number: 204874

RE: Funding Request Numbers: 474826, 474827, 474830, 474831, 474832, 474833, 474834, 474835, 474837, 474838, 474840, 474841, 474842, 747843, 475622.

The Funding Request Numbers referred to above were approved funding, however modified by the SLD. "The shared discount was corrected."

RE: Funding Request Numbers: 474805, 474810, 474814, 474818, 474820, 474823,

The Funding Request Numbers referred to above were denied funding with the explanation that "The shared discount was corrected. Funding cap will not provide for Internal Connections less than 81% discount to be funded."

We appeal both of these decisions for the following reason.

As per our form 471 application number 204874, our school qualifies for a 90% discount rate.

The document which was given to the reviewer to substantiate our schools discount calculation shows that the three sites listed have a 84%, 80% and 83% of students eligible for the free or reduced lunch program, which qualifies our school for a 90% discount.

For the reviewer to conclude that we have a lower percentage there must have been an error in interpreting the information provided on the form.

Our school is a provision 2 school which means that the column headed "Number Of Approved Applicants" (columns D & E) lists the number of students that were eligible in our base year, which was 1993.

The column headed " Current Enrollment" (column B) however does reflect our current enrollment.

This means that if you calculate the ratio of students from the "Number Of Approved Applicants" (column D&E) compared to "Current Enrollment" (column B) the result will not reflect the actual percentage of the current enrollment that are eligible for free and reduced lunch.

In order to calculate the accurate percentage, you must total of "Free" and "Reduced Price" (columns F & G) which are listed under "Lunched Served" then divide the total by the "# Days Food Service" (column C). This will show the quantity of meals served in one day, which shows the amount of students that received free or reduced price lunch.

This number of students should be used in ratio to the current enrollment to determine the percentage of students that qualified for free or reduced price lunch.

Based on this explanation the calculation would be as follows:

Site 1

Free:	1699
Reduced Rate:	107
Total Free & Reduced Rate:	1806

Total Free & Reduced Rate: 1806 Divide By # Days Food Service 13: 1806/13 = 138.92

This shows that per day there was 138.92 meals served which means that <u>at least</u> 138.92 students received free or reduced lunch.

The total enrollment is 165 students.

The number of students receiving free or reduced rate lunch (138.92) divided by the total enrollment (165) 138.92/165 = 0.84 or 84 Percent.

Based on this calculation school average is 82.33%, which qualifies for a ninety percent discount rate.

Please send us a new funding commitment with the appropriate discounts and please provide funding for the as yet un-funded internal connections.

Sincerely,

Joseph Lefkowitz

Board of Jewish Education of Greater New York

— 426 West 58th Street, New York, New York 10019-1102 ■ (212) 245-8200, ext. 207 Fax # (212) 247-1957 —

AVROM L'DOFT
President

PHILIP SCHATTEN
Chairman

CHAIM LAUER
Executive Vice President

DR. ALVIN I. SCHIFF
Executive Vice President Emeritus

DEPARTMENT OF SCHOOL FOOD SERVICES

SANDRA FRUHLING
Director

LYNNE WEINGARTEN
Assistant Director

ILANA MAMMON
School Representative

ADINA AMANOV
School Representative

JOEL BERITZ
Consultant

February 16, 2001

To Whom It May Concern:

This correspondence is in regard to the Monthly Claim For Reimbursement National School Lunch Program Form Sa-603.

Column B, "Current Enrollment," shows the current enrollment for the claim period being applied for.

Column C, "# Days Food Service," shows the number of days lunches were served for the claim period being applied for.

Column D, "No. Of Approved Applicants-Free," shows the number of applicants that were approved for free lunch in the school's base year. This number stays the same as long as the school is on Provision 2, even if the number of approved applicants is different.

Column E, "No. Of Approved Applicants-Reduced Price," shows the number of applicants that were approved for reduced price lunch in the school's base year. This number stays the same as long as the school is on Provision 2.

Column F, "Lunches Served-Free," shows the number of free lunches served to approved applicants during the claim period being applied for.

Column G, "Lunches Served-Reduced Price," shows the number of reduced price lunches served to approved applicants during the claim period being applied for.

Column H, "Lunches Served-Full Price," shows the number of full price lunches served to approved applicants during the claim period being applied for.

The amount of lunches served is less than the total amount required for all approved applicants because of student absences.

The number of lunches served divided by the number of days of food service shows the number of lunches served to approved applicants on a daily basis.

Respectfully,

Sandra Fruhling

Sandy Fruhling

An Agency of UJA-Federation

FROM : JESODE HATORE PHONE NO. : Sep. 13 2000 04:19PM P4

THE STATE EDUCATION DEPARTMENT

Child Nutrition Reimbursement Unit
510 West, Education Building
Albany, New York 12234
(518) 474-3526

MONTHLY CLAIM FOR REIMBURSEMENT
NATIONAL SCHOOL LUNCH PROGRAM
FORM SA-603
7/97

PROVISION 2

(1) SPONSORING AGENCY NAME: YESHIVA YESODE HATORAH V'EZ CHA

(2) SPONSORING AGENCY CODE: 331400207091

(3) AGREEMENT NUMBER: 404359

(4) CLAIM PERIOD: MONTH 05 YEAR 2

JULY 1, 1999 - JUNE 30, 2000

SECTION 1 NATIONAL SCHOOL LUNCH CLAIM

RECIPIENT AGENCY CODES (LAST 3 DIGITS) (A)	CURRENT ENROLLMENT (B)	# DAYS FOOD SERVICE (C)	NUMBER OF APPROVED APPLICANTS: FREE (D)	NUMBER OF APPROVED APPLICANTS: REDUCED (E)	LUNCHES SERVED: FREE (F)	LUNCHES SERVED: REDUCED PRICE (G)	LUNCHES SERVED: PAID PRICE
7091	178	23	105	6	3170	185	[illegible]
~~[illegible]~~	~~[illegible]~~	~~18~~	~~177~~	~~12~~	~~5504~~	~~432~~	~~[illegible]~~
7093	18	23	31	0	292	0	[illegible]
SUB-TOTALS ▶	579		313	19	8965	617	1[illegible]
TOTALS ▶							

SECTION 2 REIMBURSEMENT CALCULATION – SCHOOL LUNCH

LUNCH	FEDERAL Meals 1	FEDERAL Rate X 2	FEDERAL Reimbursement = 3	STATE Meals 4	STATE Rate X 5	STATE Reimbursement = 6	Total Reimbursement 7
A) Total Free	8,966	1.[illegible]	= 17,93[illegible].00	8,966	.0850	= 382.75	[illegible]
B) Total Reduced	617	1.8000	= 987.20	617	.2150	= 132.65	[illegible]
C) Total Full	1,979	0.2100	= 415.58	1,979	.0650	= 128.57	[illegible]
D) Total Reimbursement	[illegible]		19,334.[illegible]	[illegible]		345.00	$ 28,[illegible]

CONTACT

Name and business telephone number of person responsible for completion of this form

S. FRUHLING/L. WEINGARTEN (212) 245-8200

Name _____ Telephone Number _____

CERTIFICATION

I certify to the best of my knowledge and belief that the above information is true and correct; that the above-number of meals were served; I have an[illegible] and reviewed the counts to ensure their accuracy; the operation of the program(s) was in accordance with the terms of the agreement, as amended; the [illegible] of food and milk has been conducted on a nonprofit basis; payment thereof has not been received; and that invoices, other pertinent records and app[illegible] free and reduced price applications, as required by the agreement(s) are on file to substantiate this claim.

AUTHORIZED SIGNATURE

Name of Authorized Person S. FRUHLING/L. WEINGARTEN (Print or Type) Title DIRECTOR

Signature of Authorized Person [signature] Date 06/01/00

Signature must be in ink, an original, and that of a person authorized by the sponsoring agency. Stamped, initialed, penciled, or proxy signa[illegible] not accepted. Please make a copy for your file and submit the original.

Board of Jewish Education of Greater New York

426 West 58th Street, New York, New York 10019-1102 ■ (212) 245-8200, ext. 207 Fax # (212) 247-1957

AVROM I. DOFT
President

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Executive Vice President Emeritus

DEPARTMENT OF SCHOOL FOOD SERVICES

SANDRA FRUHLING
Director

LYNNE WEINGARTEN
Assistant Director

ELANA MAMMON
School Representative

ADINA AMANOV
School Representative

JOEL BERITZ
Consultant

November 8, 2001

To Whom It May Concern:

According to our records for the year July 2000 through June 2001, Yeshiva Jesode Hatorah had 85.39% of their students qualifying for free and reduced meals.

I hope this clears up any questions.

Sandra Fruhling

Sandra Fruhling- Director

973 581 6759

PROVISION 2 RATE ENTRY

PROVISION 2 RATE ENTRY

YEAR	BASE YEAR	SCHOOL#	SCHOOL NAME
[redacted]			
[redacted]			

School #:

YEAR: 1999 BASE YEAR: 1993 SCHOOL#: 404359 BEDS#: 0

Update
Reset
Add
Copy
Delete
Cancel

	%Free Lunch	%Red Lunch	%Full Lunch	%Free Bkfst	%Red Bkfst	%Full Bkfst
JULY	88.98	11.02	0.00	91.44	8.56	0.00
AUGUST	88.60	11.40	0.00	90.99	9.01	0.00
SEPTEMBER	79.94	5.24	14.92	79.80	5.26	14.64
OCTOBER	80.10	5.03	14.87	81.00	4.83	14.17
NOVEMBER	80.22	4.96	14.82	80.73	4.69	14.58
DECEMBER	80.22	4.43	15.35	80.17	4.45	15.38
JANUARY	80.10	4.57	15.33	80.16	4.58	15.26
FEBRUARY	79.82	4.57	15.61	79.79	4.63	15.58
MARCH	80.19	4.45	15.36	80.17	4.45	15.38
APRIL	80.49	4.72	14.79	80.33	4.74	14.93
MAY	80.04	4.66	15.30	79.99	4.63	15.38
JUNE	79.88	4.81	15.31	79.95	4.78	15.27

Start » MAIN MENU PROVIS... Address 11:44 AM

Tuesday, Feb 06, 2001 11:50 AM

New York State Education Department
Child Nutrition Management System
Help

Comparison of Free/Reduced Lunch Eligibles to Enrollment

331400207091

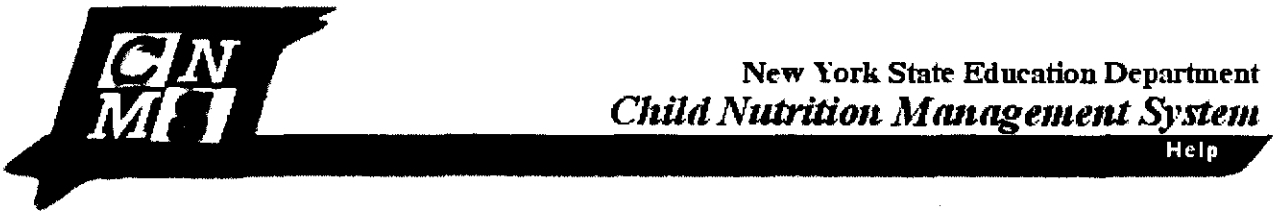
All Agency Types Included

Include % Greater Than 0

May 2000

School Food Authority	LEA Code	Enrollment	Free Eligibles	%	Reduced Eligibles	%	Total
Yeshiva Yesode Hatorah	331400207091	601	465	77.4	32	5.3	82.7
Bais Yakov Of Khal Adas Yereim	331400207236	404	306	75.7	24	5.9	81.7
Yeshiva Yesode Hatorah	331400206969	15	13	86.7	0	0	86.7
Yeshiva Yesode Hatorah	331400207091	182	146	80.2	8	4.4	84.6
Brooklyn County Total		601	465	77.4	32	5.3	82.7
Total		**601**	**465**	**77.4**	**32**	**5.3**	**82.7**

Return to Query



Comparison of Free/Reduced Lunch Eligibles to Enrollment

331400207091

All Agency Types Included

Include % Greater Than 0

June 2000

School Food Authority	LEA Code	Enrollment	Free Eligibles	Free %	Reduced Eligibles	Reduced %	Total
Yeshiva Yesode Hatorah	**331400207091**	602	465	77.2	33	5.5	82.7
Bais Yakov Of Khal Adas Yereim	**331400207236**	405	306	75.6	25	6.2	81.7
Yeshiva Yesode Hatorah	**331400206969**	15	13	86.7	0	0	86.7
Yeshiva Yesode Hatorah	**331400207091**	182	146	80.2	8	4.4	84.6
Brooklyn County Total		602	465	77.2	33	5.5	82.7
Total		**602**	**465**	**77.2**	**33**	**5.5**	**82.7**

Return to Query

Comparison of Free/Reduced Lunch Eligibles to Enrollment

331400207091

All Agency Types Included

Include % Greater Than 0

July 2000

School Food Authority	LEA Code	Enrollment	Free Eligibles	%	Reduced Eligibles	%	Total
Yeshiva Yesode Hatorah	**331400207091**	170	158	92.9	11	6.5	99.4
Bais Yakov Of Khal Adas Yereim	**331400207236**	95	91	95.8	3	3.2	98.9
Yeshiva Yesode Hatorah	**331400207091**	75	67	89.3	8	10.7	100
Brooklyn County Total		170	158	92.9	11	6.5	99.4
Total		**170**	**158**	**92.9**	**11**	**6.5**	**99.4**

Return to Query

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2000-2001

June 18, 2002

Joseph Lefkowitz
Yeshiva Jesode Hatorah
505 Bedford Avenue
Brooklyn, NY 11211

Re:	Billed Entity Number:	159027
	471 Application Number:	204874
	Funding Request Number(s):	474805, 474810, 474814, 474818, 474820, 474823, 474826, 474827, 474830, 474831, 474832, 474833, 474834, 474835, 474837, 474838, 474839, 474840, 474841, 474842, 474843, 475622
	Your Correspondence Dated:	2 letters undated, received by SLD 2/8/2000

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 Three 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: 474839
Decision on Appeal: **Approved in full**
Explanation:

- Your appeal has brought forward information showing that this funding request should be approved.

Funding Request Number: 474805, 474810, 474814, 474818, 474820, 474823, 474826, 474827, 474830, 474831, 474832, 474833, 474834, 474835, 474837, 474838, 474840, 474841, 474842, 474843, 475622
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter states the data you provided to support your discount rate was misinterpreted in calculating the number of students eligible for free and reduced lunches.

- You indicated on your Form 471 that your discount eligibility is 90%. SLD's review of your application determined that your discount eligibility was 67%. You did not demonstrate in your appeal that the adjustment SLD made to your discount percentage was incorrect because the forms used by the State of New York clearly state in columns D and E the Number of Approved Applicants for Free and Reduced lunches. These forms are accepted by SLD as support for discount rate calculations. The application of the information on them has been consistently applied throughout the erate program. Consequently, SLD denies your appeal.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. § 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district who are eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism contained in Title I of the Improving America's Schools Act, codified at 34 C.F.R. § 200.28(a)(2)(i)(B). *See* 47 C.F.R. § 54.505(b)(1). Alternatively, the level of poverty is measured according to participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 n.1334 ¶ 374 (rel. May 8, 1997). The high cost determination is made pursuant to rules according to which a school or library is classified as rural or urban. *See* 47 C.F.R. § 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether a school is classified as rural or urban. *See* 47 C.F.R. § 54.505(c).

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

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Child Nutrition Reimbursement Unit, 510 West, Education Building, Albany, New York 12234
Tel. (518) 474-3926
Fax (518) 486-4899
http://www.nysed.gov/cn/cnms.htm

8/8/02

To: Joseph Lefkowitz
From: Richard Connell, Supervisor, Child Nutrition Reimbursement Unit
Subject: Yeshiva Yesode Hatorah, free and reduced eligibles

Yesterday, I had a conversation with Arthur Jacknis regarding free and reduced eligibility data that had been incorrectly reported for E-rate purposes. My understanding is that data as submitted on a May 2000 Lunch claim for Yeshiva Yesode Hatorah, were used to calculate the ratio of free and reduced price eligibles to enrollment. Unfortunately, in this case, the use of raw claim data would result in an inaccurate calculation due to claim submission guidelines issued during that period.

Specifically, Yeshiva Yesode Hatorah was a Provision 2 school at the time. Under Provision 2, schools establish monthly counts of free and reduced meals in a base year (for Yeshiva Yesode Hatorah, the base year was 1992-93). The percentage distribution is then applied to subsequent year monthly claims. However, past claim procedures then advised schools to enter current enrollment on the subsequent claims, while also reporting their base year eligibles. Consequently, any comparison of eligibles to enrollment would produce inaccurate results.

We discovered this problem during the course of designing and constructing the Child Nutrition Management System (CNMS) and have since adjusted eligibility data for the years affected. Basically, we re-calculated free and reduced eligibles for subsequent claims using the base year eligibility distribution and current claim enrollment. This is a valid methodology in that it is based on a primary criterion for approving a Provision 2 school... a student population that is demographically stable from year to year.

The corrected free and reduced eligibility percentage for Yeshiva Yesode Hatorah for May 2000 is 84.6%. Percentages for all schools and for all claim months from September 1998 to the present are available on the CNMS website at http://www.nysed.gov/cn/cnms.htm. Go to **Reports** on the Home page and select **Eligibles to Enrollment Report**. Then click on **Help** for instructions on retrieving information.

I trust that this will resolve the issue regarding your E-rate application. Please don't hesitate to contact me for additional assistance at 518-474-6016 and rconnell@mail.nysed.gov.