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**Beth Jacob High School**
**4421 15th Ave**
**Brooklyn, NY 11219**
**718-851-2319**

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# Letter of Appeal

December 17, 2002

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

RE CC Docket Nos 96-45 and 97-21

Entity# 11882
471 Application #: 222224
FRN Numbers: 560740, 561087, 561109, 561167, 561176,
561190, 561438, 561456, 561487, 561502.
561511, 561689, 561843, 561863, 564664,
584741, and 584882
Funding Year: 71112001-613012002

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 4, 7/1/2001-6/30/2002 E-Rate form 471 application number 222224.

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 !he change in discount was that we received a 60% discount instead of a 90% discount on telecommunication funding and we were totally denied all internal connection funding because, as indicated on the Funding Commitment Decision Letter, the funding cap did not provide for internal connections for schools with less than a 90% discount level.

When I first spoke to the reviewer I did not intend to imply that our determination of discount eligibility was based solely on a survey. The first time that there was a reference to a survey was in the PIA reviewer's fax to me asking for a copy of the survey that he understood I had told him we had done.

As indicated on our appeal our original determination was based on a combination of sources. Included among these sources was information annotated during tuition assistance interviews.

The PIA process was done at the time we were preparing to move to our new building and our records were in storage for the move. In order to provide the information PIA requested we would have had to take the records out of storage and review the scholarship information. This

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process would have taken more time than we understood PIA was willing to wait. We therefore decided to do a current survey.

Regardless of the PIA reviewer's understanding of our verbal communications, we responded to his request for information substantiating our request for a 90% discount with a survey that clearly showed our school was eligible for the 90% discount we requested.

In regard to the SLD's indication that the survey we used was insufficient *to* determine discounts per program rules, the survey used was provided by Agudath Israel of America as part of an E-Rate Material package which was given out at the E-Rate workshops, which they sponsored. SLD representatives gave these workshops.

The survey shows a chart of family size corresponding to family income and asked the respondents to indicate if their household income was equal to or less than the income indicated for their family size. Even if the respondent did not indicate the family size or income, answering the question determines if the family is above or below 185% of the federal poverty guideline.

In addition to the question of family size compared to income the survey included questions in regard to eligibility for:

Food Stamps
Medicaid
Supplementary Income (SSI)
Section 8
Home Energy Assistance (LIHEAP)

We feel the SLD denial of our appeal should be overturned for the following reasons:

1- We provided an email correspondence from the coordinator of the New York State Department of Child Nutrition Management System indicating that the database, which the SLD used in determining our discount level, was not necessarily accurate for our school.

2- We responded to PIA's request for information substantiating our request for a 90% discount by providing the information from the survey performed. The survey information we provided was in a format that met program rules for determining discounts and demonstrated that our school qualifies for the 90% discount requested.

We therefore request that Funding Decision Commitment Letters be issued providing us with a 90% discount and approval of our internal connections FRN(s).

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,

Yitzchok Kaplan
Administrator

# BETH JACOB HIGH SCHOOL

**4421 15th Ave**
**Brooklyn NY 11219**

March *20.2002*

Contents of Appeal Package:

1- Letter of Appeal
2- Copy of Survey Information
3- Copy of E-mail from Rich Conncll

# *Beth Jacob High School*

4421 15th avenue
Brooklyn NY 11219
718-851-2319


March 20, 2002

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

## Letter of Appeal

Entity# 1 1552
Application# 222224
Funding Year 07/01/2001 - 06/30/2002

The following is an appeal of the funding commitment for Application # 222224 and all the FRN's contained within. The telecommunications portion of the application's funding was modified with the explanation lhat "The site-specific discount was corrected." The Internal Connections portion of the application's funding was denied with the explanation that "Funding cap will not provide for Internal Connections < 85% discount to be funded."

We arc appealing the decision *to* lower our discount to 60% based on the fact that greater than seventy-iive percent of our student body come from family units whose income is at or below 185% of the federal poverty guideline and are therefore eligible for the National School Lunch Program and our school therefore qualifies for a *90%* discount.

The cletennination that our school qualified for a ninety percent discount was based on information from the NSLP application process and from infonnation gathered during the tuition assistance application process.

**As** per the attached email from Mr. Rich Connell the coordinator for the New York State Department of Education Child Nutrition Management System, due to cultural and social reasons and using Mr. Conncll's example of "fear of being stigmatized" it is not uncommon for high school students to decline participation in the NSLP. Our school, a Jewish Parochial Girls' High School, has all of these dynamics in affect simultaneously. We iherefore have a very low participation level of potentially qualifying students in the NSLP.

Due to this fact, the percentage of eligible students shown for our school on the New York State Department of Education Child Nutrition Management System's web site, "Comparison *of* Free/Reduced Lunch Eligibles to Enrollment" is incorrectly low.

Also due lo this fact we had to use both NSLP enrollment and other alternate measures of poverty such as food stamps and section eight to determine the over all percentages for our school.

During the time our application was being reviewed I received a telephone call from a revicwcr Mr. Frank Jones. After our conversation I received a fax from Mr. Jones asking me to provide information about the "surveys" I had done to determine our discount level.

Due to the fact that the information we used to determine our discount level was based on a combination of sources, the infonnation was not in a concise format and we would not have been able to respond to Mr. Jones within the time frame he was requesting. In order to comply with Mr. Jones's request as expeditiously as possible we performed a current survey and faxed the results to Mr. Jones.

The format for the survey was taken from an E-Rate handbook distributed by Agudath Israel of America. We received the handbook at a workshop run by Win Himsworth the E-Rate coordinator for the New York State Department of Education. We subsequently faxed a copy of the survey to Mr. Himsworth for his review and he indicated the survey seemed to provide all the information needed.

Attached is a copy of the survey information that was faxed lo the Mr. Frank Jones

When we spoke with the Mr. Jones after he received the survey he indicated that everything seemed in order. We than received a call from another reviewer inquiring as to the date of the survey. After providing the second reviewer with the information requested she also indicated everything was in order.

There was no indication that anything was wrong with the survey or that additional or different information was needed.

The funding commitment decision letter did not specifically indicate what the decision to lower our discount was based on. If the information presented in this appeal has addressed the issue at hand please issue new funding commitment letters with the correct discount and funding for Internal Connections.

If this appeal has not addressed the issue at hand please provide us with the information on how the decision was reached so that we will be able to respond in an appropriate fashion.

Respectfully submitted by,

Yitzchok Kaplan
Administrator

**Beth** *Jacob High School*
4421 15th **avenue**
Brooklyn NY 11219
718-851-2319

January 30,2002

Attn: Mr. **Frank** Jones
Schools and Libraries Division

Re: E-Rate application number 222224

Dear Mr. **Jones.**

With regard to your request for documentation that our school is entitled to receive the 90% discount rate.

Our enrollment is seven hundred and ninety one students. We conducted a survey and **sent** out forms to the entire student body. Four hundred forty one forms were returned of which Three hundred thirty nine are from **low** income families that are eligible for free or reduced lunch.

All **the** returned forms are **on** file and all the numbers stated are actual and not a projection.

Sincerely,

**Yitzchok Kaplan**

# *Beth Jacob High School*

*4421* 15th avenue
Brooklyn **NY** 1**12**19
71**8-85**1-23*19*

בס"ד

Dear Parents:

We are applying for federal financial assistance to **help** obtain various technology services under a federally funded program known as E-Rate (for "Educational-Rate"). **We** need your help to maximize the aid **we** will receive.

The **size** of the federal E-Rate grant depends, in pat, on the number of **students** attending our schools who come from families with income below certain levels. **Our** ability to identify all such **students**- whether *or* not they **participate** on our free and reduced priced **milk** or lunch programs- will thus make a significant difference in the federal **funding** we receive.

Please take a minute, therefore, to fill out and return ***the*** attached form as soon **as possible.** This information will remain confidential. The data will be reported as **a** group total, nut by individual families.

Thank you for helping our yeshiva stretch *its* technology resources. If you have **any** questions, please call our office.

Please complete and return to:

**Beth Jacob** High School
**442**1 15**''Ave.**
Brooklyn, **New York** 11219

Fax: **(718) 435-3736**

# Confidential E-Rate Family Survey – 2001-2002

PLEASE PRINT

Family Name [redacted]

Address [redacted]

City, State, Zip Brooklyn NY 11215

Signature of Parent/Guardian [signature]

Date 1/30/02

The following table shows the income levels used by the 6-Rata program to determine discounts on technology services for our school.

| Household Size (Adults and Children) | Annual Income (As Reported to IRS) |
|---|---|
| 1 | $ 15.892 |
| 2 | $ 21,479 |
| 3 | $ 27,066 |
| 4 | $ 32.653 |
| 5 | $ 38.240 |
| 6 | $ 43.827 |
| 7 | $ 49,414 |
| 8 | $ 55,001 |
| 9 | $ 60.588 |
| 10 | $ 66.175 |
| 11 | $ 71.762 |
| 12 | $ 77.349 |
| Each additional family member | + $ 5,587 |

Is your annual household income equal or less than the amount shown for your family size? Yes ____ No LESS

Is your family eligible for food stamps? Yes ✓ No ____

Does your family qualify for medical assistance under Medicaid? Yes ✓ No ____

Is your family receiving Supplementary Security Income (SSI)? Yes ____ No ✓

Does your family receive housing assistance (Section 8)? Yes ✓ No ____

Does your family receive home energy assistance (LIHEAP)? Yes ____ No ✓

Please list the students in your family attending our school:

Name [redacted] Grade 10

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.
THANK YOU FOR YOUR HELP.

FAX NO. 7169717202 ROSENBERG

## Arthur Jacknis

**From:** Rich Connell [rconnell@MAIL.NYSED.GOV]
***Sent:*** **Wednesday,** March 20,2002 3:32 **PM**
**To:** ajacknis@gocorndata.com
**Subject;** Re: Questions

Mr Jacknis

While CN free and reduced eligible data are often used as a poverty measure, there **are** certainly many cases in which the data are not reflective of the overall school population. For example, because of perceived stigma associated with receiving free lunches, it is not uncommon for many high school. students to decline participation in the CN program. And certainly, there may be cultural or social reasons why parents decline to release income information. I am not familiar with the school you referenced, however, if *CN* program participation is influenced by the above factors, it is quite conceivable that the student population is more economically disadvantaged than CN data **would** indicate.

Richard Connell

Supervisor
Child Nutrition Reimbursement Unit

>>> "Arthur Jacknis" <ajacknis@gocomdata.com> 03/19/02 07:37PM >>>
Dear Mr. Cannell,

As per our telephone conversation **I** have several questions in regard to the **NSLP** and the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" figures listed on your website.

**1-** I understood from our conversation that due to sociological factors, a Jewish Parochial Girls' High School has one of the highest percentages of non-participating potentially qualifying students in the NSLP *of* all school types. Is this correct?

***2-*** Due to the fact that many potentially qualifying students in this type of school do not apply for the NSLP the figures shown on the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" listed on your website may be lower than actual percentage. Is this correct?

Thank you very much for taking the time to respond to these questions

Arthur Jacknis

**Universal Service Administrative Company**
Schools & Libraries Division

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

October 21,2002

Yitzchok Kaplan
Beth Jacob HS
4421 15th Ave.
Brooklyn, NY 11219

| | | |
|---|---|---|
| Re: | Billed Entity Number: | 11882 |
| | 471 Application Number: | 222224 |
| | Funding Request Number(s): | 560740,561087,561109,561167,561176, 561190, 561438, 561456, 561487, 561502, 561511,561689,561843,561863,564664, 584741,584882 |
| | Your Correspondence Dated: | March 20,2002 |

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 60-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: | 560740,561087,561109,561167,561176,561190, 561438, 561456, 561487, 561502, 561511, 561689, 561843,561863,564664, 584741,584882 |
| Decision on Appeal: | **Denied in full** |

Explanation:

- In your letter of appeal you stale that you are appealing the SLD's decision to lower your discount from 90% to 60% based on the fact that greater than 75% of your student body come from families whose income is at or below 185% of the federal poverty guideline. The determination that your school is eligible for 90% discount was based on the information from NSLP applications and infomation gathered from tuition assistance applications. *You* have included **an** e-mail from Rich Connell of the NY State DOE which notes that while free **and** reduced eligibility data is often used as a measure of poverty, there are many cased in

which the data is not reflective of the overall school population. You note that due to this fact, you had to use NSLP enrollment and other measures of poverty (food stamps and Section 8) to determine the overall percentage for the school. During application review you were contacted by PIA. After the phone call you received a fax requesting information about the surveys that were done to determine discount percentage. Due to the fact that you used a combination of sources to determine discount, the information was not in a concise format and therefore you would not be able to respond in the timeframe requested. In order to comply with this request yon performed a current survey and faxed the results to PIA review. As copy of this survey is included with the appeal. *You* spoke with PIA after the survey was received and there was no indication of a problem at that time. You state lhat the Funding Commitment Decision Letter did not specifically address how the decision to lower your discount was made. If this has been addressed in the appeal you have requested a new FCDL with a 90% discount. If the issues have not been addressed on appeal you have requested information on how this decision was made so that you can respond in an appropriate manner.

- Upon review of the appeal, it was determined that your requested discount of 90% varied from what was verified by the SLD database. In order to verify the requested discount you were contacted by PIA review. SLD records indicate that when contacted, you stated that surveys were used to determine discount percentage. This contact included a follow up fax that detailed what documentation was necessary to verify your discount. You responded with a fax stating that surveys were sent to all students and that the results verified the 90% discount that was requested. A copy of this survey was included. As the survey did not specify family size and income, it was deemed insufficient per program rules. This survey was dated *113012002,* which is 15 days after PIA's request for discount verification. You had failed to respond to PIA requests for clarification of why the survey date was after the request for documentation but have addressed this on appeal. You now state that a combination of sources was used to determine the discount and lhat in order to respond expeditiously you performed a current survey. However, this was not expressed to PIA. This also contradicts your fax to PIA review, which indicates that discount was determined solely by survey. You failed to notify PIA that the discount was determined by a current survey in your correspondence. Correspondence to PIA clearly indicates that surveys were used to determine discount level. The survey provided to PIA and on appeal docs not verify family size and income level and has been deemed insufficient to determine discounts per program rules. You have acknowledged that a current survey was performed during PIA review. This indicates that the original surveys used to determine discount eligibility were not on file, which is a violation of program rules. You have argued that other sources were used to determine poverty levels but have not provided this evidence on appeal. This contradicts information provided during review of the application. Consequently, the appeal is denied.

- You indicated on your Form 471 that your discount eligibility is 90 % based upon student surveys. FCC rules provide that the discount available to an applicant is determined by indicators ofpoverty 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 that 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 (SSJ), 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).

- SLD's review of your application determined that your discount eligibility percentage was not supported by appropriate documentation. SLD modified your discount eligibility percentage using the following documentation: NY State DOE website. You did not demonstrate in your appeal that the adjustment SLD made to your discount eligibility percentage was incorrect. Consequently, SLD denies your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing *an* appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

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

Schools and Libraries Division
Universal Service Administrative Company

# Confidential E-Rate Family Survey – 2001-2002

PLEASE PRINT

Family Name [redacted]

Address [redacted]

City, State, Zip N.Y. BROOKLYN 11230

Signature of Parent/Guardian [redacted]

Date 1/28/02

The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school.

| Household Sire (Adults and Children) | Annual income (As Reported to IRS) |
|---|---|
| 1 | $ 15,892 |
| 2 | $ 21,479 |
| 3 | $27,066 |
| 4 | $ 32,653 |
| 5 | $ 38,240 |
| 6 | $ 43,827 |
| | $ 49,414 |
| 8 | $ 55,001 |
| 9 | $ 60,588 |
| 10 | $ 66,175 |
| 11 | $ 71,762 |
| 12 | $ 77,349 |
| Each additional family member | + $ 5,587 |

Is your annual household income equal or less than the amount shown for your family sue? Yes ✓ No ____

Is your family eligible for food stamps? Yes ✓ No ____

Does your family qualify for medical assistance under Medicaid? Yes ✓ No ____

Is your family receiving Supplementary Security Income (SSI)? Yes ____ No ✓

Does your family receive housing assistance (Section 8)? Yes ✓ No ____

Does your family receive home energy assistance (LIHEAP)? Yes ____ No ✓

Please list the students in your family attending our school:

Name [redacted] Grade 10

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.
THANK YOU FOR YOUR HELP.

# Confidential E-Rate Family Survey – 2001-2002

**PLEASE PRINT**

Family Name [redacted]

Address [redacted] STREET

City, State, Zip BROOKLYN NEW YORK 11218

Signature of Parent/Guardian

Date 1/25/02

**The following table shows *the* income levels used by the E-Rate program to determine discounts on technology services for our school.**

| Household Size (Adults and Children) | Annual Income (As Reported to IRS) |
|---|---|
| 1 | $ 15,892 |
| 2 | $ 21,479 |
| 3 | $ 27,066 |
| 4 | $32,653 |
| 5 | $ 38.240 |
| 6 | $ 43,827 |
| 7 | $ 49.414 |
| 8 | 5 55,001 |
| 9 | $ 60,588 |
| 10 | $ 66,175 |
| 11 | $ 71.762 |
| 12 | $77,349 |
| Each additional family member | + $ 5,587 |

Is your annual household income equal or less than the amount shown for your family size? Yes ✓ No ____

Is your family eligible for food stamps? Yes ✓ No ____

Does your family qualify for medical assistance under Medicaid? Yes ✓ No ____

Is your family receiving Supplementary Security Income (SSI)? Yes ____ No ✓

Does your family receive housing assistance (Section 8)? Yes ✓ No ____

Does your family receive home energy assistance (LIHEAP)? Yes ____ No ✓

Please list the students in your family attending our *school:*

Name [redacted] Grade 12

Name [redacted] Grade 9

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

Name ____ Grade ____

THIS INFORMATION IS CONFIDENTIAL ANTI WILL BE KEPT IN *OUR* SCHOOL.
THANK YOU FOR YOUR HELP