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LEARNING CENTER
28 East Ostend Street
Baltimore, MD 21230
410 625-4215
Fax: 410 727-8316
www.southbaltimorelearns.org

# FAX COVER SHEET



Date: 2/18/05

To: Sending in two BATCHES

Company: FCC

Re:

Number of pages including cover sheet: ~~27~~ 13

Fax #: 1-202-418-0187

From:

continued

Message:

Contact: Ms Sonia Socha

SSocha@Southbaltimorelearns.org

Phone No. - 410-625-4215

## Our Mission:

The mission of the South Baltimore Learning Center (SBLC) is to improve the self-sufficiency of educationally disadvantaged adults. SBLC is a community based nonprofit organization providing functional literacy and life skills training, in addition to career preparation services to residents in the Baltimore area.

February 17, 2005

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



Re: CC Docket No. 02-6
**Request For Review/Request For Waiver**
South Baltimore Learning Center: 196460
Commitment Adjustment
Funding Year 2001-2002;
Form 471 Application Numbers: 245858

Ladies and Gentleman:

This letter of appeal/waiver request is a *Request For Review* by the South Baltimore Learning Center (the "SBLC") of the Administrator's Decision on Appeal, dated December 20, 2004 and attached hereto as Exhibit A, of the Schools and Libraries Division (the "SLD") of the Universal Service Administrative Company ("USAC") with respect to the original decision of the SLD to "rescind in full" the funding requests listed on Exhibit B hereto because the SBLC did not have "an approved technology plan" which is required by the rules of the SLD Universal Service Support Mechanism (the "E-rate Program"). This letter also is a *Request for Waiver* of the E-rate Program requirement that the SBLC have an approved technology plan in place and approved prior to the submission of the Form 486 or the date the services begin in order to receive discounts on service.

The FCC should waive the requirement of an approved technology plan and reverse the SLD's Decisions on Appeal with respect to the above referenced funding requests because: (1) SBLC's failure to have a pre-approved technology plan could not be avoided even with careful planning; (2) to do otherwise would result in substantial hardship and inequity to the SBLC; (3) it is in the public interest; (4) the SBLC substantially complied with the regulations of the E-rate Program and (5) the SBLC is taking all possible steps to remedy its prior misunderstanding. Of particular note, as discussed in Section 5 below, the SBLC has technology plans in place for all funding years (2000, 2001, 2002, 2003, 2004, 2005) which were retroactively approved and the SBLC is submitting with this letter supporting documentation relating to those approved plans.

USAC's website indicates that the FCC may grant a waiver of the E-rate Program Rules where the failure to comply with the rule was the result of "circumstances that could not be avoided even with careful planning." Furthermore, as indicated in the Order of the FCC, released September 30, 1999, in the Matter of Request for Review by the Department of Education of the State of Tennessee:

the Commission's rules may be waived for good cause shown . . . The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver is, therefore, appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."

1. **SBLC'S FAILURE TO HAVE A PRE-APPROVED TECHNOLOGY PLAN COULD NOT BE AVOIDED EVEN WITH CAREFUL PLANNING.**

The SBLC attempted to fully comply, and believed that it had fully complied, with the regulations of the E-rate Program. First, at all times from spring 2000 through the present (the time frame for funding requests at issue), the SBLC had a technology plan, a copy of which is attached hereto as Exhibit C (the "Technology Plan"), which was prepared and complied with by the SBLC in advance of the SBLC receiving any services which were reimbursed under the E-rate Program.

In 2000 and subsequent years, the only established process available to the SBLC to seek approval of a technology plan was submitting the plan to the Maryland State Department of Education (the "MSDE"). As instructed, the SBLC submitted the Technology Plan to the MSDE for approval prior to requesting finding or receiving any services for which the SBLC sought reimbursement. Notwithstanding our attempts, the SBLC received no clear direction from MSDE on receiving approval of our Technology Plan. The SBLC provided its technology plan to its MSDE AEL Program Manager, Michelle Frazier, who then submitted it to the MSDE's Telecommunications Office (the office responsible for the E-rate program and approval in Maryland) for review and approval. However, the MSDE staff member who had received our Technology Plan retired and, evidently, no one at the MSDE took over the review or approval of our Technology Plan. No communication was received from MSDE after the plan was submitted. The lack of response from MSDE was not interpreted as an "approved" plan by SBLC; rather, the progression of funding/re-imbursements from USAC was interpreted by SBLC as all E-rate Program requirements having been complied with, including the technology plan.

Greg Talley, Telecommunications Coordinator for the Office of the State Superintendent of the MSDE, has since told SBLC that the process which the MSDE originally set up for approval of technology plans for public schools in Maryland did not take into account community-based organizations such as the SBLC. Mr. Talley also stated that SBLC did follow the only vehicle available, at the time, for approval of technology plans. There were about six organizations that did not fit into the three-prong technology plan approval process set up by MSDE and, therefore, the technology plans for these entities, including the SBLC, were never approved by the MSDE. Furthermore, at the time our plan was submitted to the MSDE, it was overwhelmed with hundreds of

plans from all over the State of Maryland.

Furthermore, the SBLC did not receive any technical support from MSDE during the first four years of the E-rate Program and USAC's website for the program provided little guidance as to compliance during those years. In the meantime, E-rate reimbursements and funding authorizations began to arrive, leaving SBLC to believe all was in order with the Technology Plan. Also, during each year of the program since 2000, SBLC was contacted by the compliances division of USAC in New Jersey to review the requested products and services for eligibility and pricing listed on our 471 applications. Although the compliance person requested written verification relating to certain aspects of the funding request, never once was there a question about the technology plan. It was not until February 25, 2003, the day of the auditor visit, that the SBLC became aware that it needed a certified approval letter along with the Technology Plan. Jim Fragomeni, SBLC Program Manager, had provided the auditor with a copy of the Technology Plan during that visit.

Mr. Talley has informed the SBLC through discussions with Sonia Socha, Executive Director, he believes that SBLC should not be penalized for not having the official approval in advance of submitting our Forms 486. It was due to MSDE's approval process system (or lack thereof), which did not include an avenue for the SBLC to have its Technology Plans approved, that caused the SBLC to be in this situation. Mr. Talley has also acknowledged that the SBLC acted in accordance with its Technology Plan. He also has reviewed this document and has said he is willing to speak to a representative on our behalf.

The SBLC carefully planned to comply with the E-rate Program. However, the SBLC did not know and could not have known that the person responsible for approval of our Technology Plan had retired (with no one taking over her responsibilities), that the MSDE failed to set up a process for review of technology plans for organizations like the SBLC or that the MSDE was simply overloaded. Further, despite seeking guidance, the SBLC received none. Accordingly, *despite careful planning on the part of the SBLC, our current circumstance (lack of an approved technology plan) could not have been avoided.*

## 2. FAILURE TO WAIVE THE PRE-APPROVED TECHNOLOGY PLAN REQUIREMENT WILL RESULT IN SUBSTANTIAL HARDSHIP AND INEQUITY TO THE SBLC

Substantial hardship and inequity would result in requiring the SBLC to refund the amounts paid pursuant to the above funding requests. First, as discussed above, the failure to have an approved technology plan was not an attempt to circumvent the E-rate Program rules but rather due to a series of events outside of the control of the SBLC. As mentioned above, at all times, the SBLC believed that the Technology Plan had been approved and that no further approval was required.

Second, as set forth below, the SBLC substantially complied with the provisions of the E-rate Program. Third, until SBLC's receipt in Spring 2003 of the results of the audit completed by the SLD of the SBLC's participation in the E-rate Program (the "Audit") (relating to which

**EXHIBIT B**

1. Funding Request Number: 595933
   SPIN 14300433
   Service Provider: Verizon Network Integration Corp
   Billing Account Number: 0.0.0.1-565315
   Amount: $ 8,186.40

2. Funding Request Number: 596104
   SPIN: 143005588
   Service Provider: CDW Computer Centers, Inc.
   Billing Account Number: 3953857
   Amount: $ 841.50

3. Funding Request Number: 596469
   SPIN: 143011962
   Service Provider: TRG Networking
   Billing Account Number: SOU-01
   Amount: $ 4,438.13

Mechanism, a technology plan must be in place and approved prior to the submission of the Form 486 or the date the services begin in order to receive discounts on services other than basic local and long distance telephone service. Since the referenced FRNs are not a request for basic local or long distance service an approved technology plan was required. Accordingly, the SLD denies the appeal and the funding request will be rescinded in full.

- Your Form 471 requested funding for products and/or services other than basic local and long distance telephone service. FCC rules require applicants to certify that the entities receiving products and/or services other than basic telephone service are covered by an individual and/or higher-level technology plan that has been, or is in the process of being approved. 47 C.F.R. § 54.504(b)(2)(vii); *See* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 Block 6, item 26, 27 (*FCC Form 471)*.

  On your Form 471, you certified that the recipients of products and/or service were covered by an individual and/or higher-level technology plan and that the technology plan had been approved or was in the process of being approved. During the audit of your school, the auditors requested that you provide a copy of *your approved technology plan*. You failed to provide a copy of your technology plan. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and 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 or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

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

Schools and Libraries Division
Universal Service Administrative Company

# ***South Baltimore Learning Center***

## Community Technology Program Plan

1. Organization Background
2. Project Overview
3. Program Description
4. Management Experience
5. Implementation Timeline
6. Conclusion
7. Project Budget

Prepared by: Jim Fragomeni
Program Manager

## 1. ORGANIZATION BACKGROUND

The South Baltimore Learning Center (S.B.L.C.) is a private non-profit 501(c)(3) community based adult literacy, General Education Development (GED) preparation, and employment development program which has served the adult residents of its low income, urban community since 1990. In that time, S.B.L.C. has worked with almost 3,000 adult students in their quest to raise their basic academic skill level, acquire their high school degree, and improve their employment potential. S.B.L.C. enrolls over 400 adult learners annually into small group classes and individual, volunteer tutoring.

On average, learners stay in the program for one and a half years to improve their skill level before moving on with their educational goals. Currently, S.B.L.C. employs 8 full time program and administrative staff, as well as 6 part time instructional staff. The projected annual operating budget for FY 2002 will be approximately $400,000.

- The predominant age range of students at S.B.L.C. is 28-45 years.
- 2/3 of annual enrollees are females.
- Minorities account for almost 60% of annual enrollment.
- Almost half of enrolled learners are employed at some level.
- More than 75% of enrollees earn less than $15,000 annually.
- Less than 50% of enrollees receive public assistance benefits.
- Most enrolled adults dropped out of formal education after the 8$^{th}$ grade.
- Most adults test into the program at a 5$^{th}$ to 6$^{th}$ grade reading and math level.
- The public high school which serves the South Baltimore community maintains an average annual drop out rate of 65% to 70%.

## 2. PROJECT OVERVIEW

The principal goal of the proposed project is to dramatically reduce the prevalence of the "digital divide" in the low-income, urban neighborhood in which the South Baltimore Learning Center is located. Presently, there exists no community technology resource that can be accessed by residents of this low-income neighborhood. Indeed, the only such infusion of technology in proximity to South Baltimore lies in the downtown business district one mile to the north and is available only at substantial cost. Moreover, due to the decline in the availability of manufacturing and industrial jobs once located within walking distance of this neighborhood, residents are in great need of a community resource to prepare them for an economy which has already changed and left them behind.

Overwhelmingly, the message of need from this community on the poor side of the digital divide is for a new set of skills that can be marketed in the service and information based economy. This need is understood by S.B.L.C. as a result of its close interaction with adults and their families in this community over the last 10 years in the context of our traditional adult literacy and GED instructional programs. As low skill, high wage union jobs have disappeared by the thousands from the South Baltimore community and the region generally over the past ten years, community members have needed an affordable local resource to retrain themselves for a transformed economy.

While the need has existed for years, no such resource to answer that need has ever been established in this community or near it. The establishment of such a resource in this community would offer residents a viable passage to a better economic life for themselves and their families. It is conservatively estimated that a minimum of 500 persons annually would be served by the community technology center. This estimate is based on S.B.L.C.'s current annual program enrollment of approximately 400 persons.

The South Baltimore Learning Center currently has an excellent opportunity to fulfill this community need. Since receiving the building that has housed S.B.L.C. since 1990 as a donation from Nations Bank in 1999, S.B.L.C. has completed a 1.75 million dollar capital campaign to renovate the 100 year old former police station into a state of the art adult learning center for the South Baltimore community. This renovation provides an ideal opportunity to develop a first rate community technology center to complement the Learning Center's current programs, and to add technology training programs to S.B.L.C.'s existing adult education and employment development programs. These plans are already underway and have been incorporated into the renovation plan. S.B.L.C. is now seeking technology funding to fully outfit the technological infrastructure planned for the renovated building and the programs that will be housed within.

Funding is sought to meet all of the project's anticipated technology needs including computer hardware, software, local area network, and peripheral hardware. S.B.L.C. will use its technological resources to accomplish the two principle objectives of its planned technology program.

**Objective #1:** To provide a community technology resource which will allow families in the community access to and training in computer technology and the Internet and to develop technology based instructional programs to serve the learning needs of community residents and their families.

**Objective #2:** To deliver computer based learning to the 500+ adult learners annually enrolled in Adult Basic Education (ABE) and General Education Development (GED) preparation classes and to more fully integrate computer based learning into the existing adult education program at all instructional levels (pre-literacy through secondary education).

**The total cost to realize the project goal of bridging the digital divide in South Baltimore is $110,000.00.**

## 3. TECHNOLOGY PROGRAM DESCRIPTION

In its community technology program, S.B.L.C. will deliver training targeted to respond to technology based learning needs in the community.

Technology based training will include:

- Adult classes in Windows based computing and office productivity software to increase employment potential for community residents and enrolled students.
- Career development workshops using software and web-based content to aid adults in developing career paths and resumes, and in defining employment potential.
- Adult classes to promote understanding and use of the Internet/ World Wide Web.
- Production of individual writing assignments using word processing software.
- Creation of household budgets using spreadsheet software to track home spending.
- Development of an online research project using web browser and search engine.

This training will be offered in the form of small group classes taught by qualified, paid instructors. The small group general education and literacy classes that S.B.L.C. currently offers will provide the model for funding, structuring, and managing these skill based computing classes.

S.B.L.C. will also implement measures to more completely integrate technology based learning into S.B.L.C.'s existing Adult Basic Education (ABE) and General Education Development (GED) instructional program. To achieve this objective, S.B.L.C. has developed a model to integrate technology based learning directly into the traditional classroom teaching environment. In contrast to the community computer lab, where persons work individually at their own stations in planned and prescribed lessons using highly structured and organized software, this model is classroom based and group oriented.

What S.B.L.C. seeks by bringing computers directly into the classroom is to transform the computer from the somewhat formal, scripted, and static use that is embodied in the lab environment, into a creative and social tool of learning and problem solving. To realize this transformation, a critical difference between outcomes of using computers in the lab and in the classroom will lay in the uses to which the computers will be put.

For ABE/ GED students, the primary interaction in the computer lab presently is with LAN based interactive instructional software. Such software parallels the content which students study with teachers in their "board and book" based classes. Such software is highly organized and controlled, and categorized according to the five main content areas of the GED exams.

In contrast to this reliance on such instructional software, use of the computers in the classroom will be entirely Web based, using only Internet content to supplement traditional classroom teaching. The strategy driving this model has several key points:

- By using a dynamic source of information, such as the Internet offers, in contrast to a static one, such as software offers, computers in the classroom become a tool of active problem solving that can be easily incorporated into classroom activities.

- By integrating students' use of the World Wide Web into daily instruction, adult students will become practiced users of the Internet and World Wide Web (WWW).
- The profusion of multimedia lesson content presently available for little or no cost on the WWW allows an essentially limitless source from which to draw material to augment and illustrate more traditional, text based lesson content.
- The network's link to a dedicated direct digital connection to the Internet will allow students and teachers to effortlessly access web-based content on demand, thereby becoming as immediate as the textbook before them.

The social aspect of this transformation will be accomplished by the physical implementation of computers in the classroom. Each classroom, designed to accommodate an adult class of approximately 16-20 students, will be furnished with four workgroup areas, each area seating 4-5 persons. Each of these four workgroups will have a shared network computer on the tabletop for student use. Thus, by changing the student to computer ratio from 1:1 to 4:1, students are required to share a computer. In sharing a computer, students will teach each other, learn from shared mistakes, and solve problems as a team. With the addition of a fifth teacher's computer in each classroom, teachers will be able to quickly search and review web sites and content to change and adapt lesson plans as they develop with the class.

In practice, then, a teacher can prepare a daily lesson plan and select relevant web sites and content to augment and illustrate the essential lesson concepts. Simple lessons can thus be expanded and linked to countless practical applications of the root concepts which static sources of classroom media simply cannot offer. This might include a GED lesson on human biology linked to a family health website, a discussion of some aspect of current events linked to an Internet news site, or a geography lesson linked to nationalgeographic.com. Web based projects to support lesson concepts can also be introduced, wherein each team must conduct a web search to locate web sites and information relevant to the lesson concept.

Overall, the most important aspect of bringing computers directly into the classroom is the transformation of the computer into a malleable and dynamic tool of thinking and problem solving. In contrast to using computers in the lab environment, where interaction with computer software is largely responsive, students' interaction with computers in the classroom will be active and self-directed. The difference between these two distinct modes of computer based learning can be expressed as the difference between learning how to use a computer, and learning how to think with a computer.

Technology Program Evaluation

To determine the effectiveness of its technology based education programs, S.B.L.C. will monitor and evaluate several aspects of program performance. A primary measurement will be of learners' weekly contact with computer technology. S.B.L.C. will measure learners' contact with computers in the following ways:

- Number of enrolled learners per week using computer labs
- Number of non-enrolled community residents per week using computer labs
- Number of new ABE/ GED enrollees referred from community technology program
- Overall hours of usage per computer, per week.

In addition to measuring contact hours, S.B.L.C. will also evaluate learners' progress towards enhancing computer-based skills. For learners enrolled in adult basic education (ABE) or GED instruction who will use computers and receive general technology based training as an aspect of their overall GED instruction, instructors will evaluate and report learners' growth and development with computer and instructional software use and will record learners' weekly hours of use. As well, teachers will record their use of web based content that is integrated into classroom lesson plans.

For learners enrolled into technology based training programs, evaluation will be based upon enrolled learners' completion of training in specific areas of software use (i.e. Windows based computing, word processing, spreadsheet software, web browsers and search engines) and their proficiency in these areas. Learners who receive this specific technology training will also be tracked to measure job placement outcomes.

Upon completion of the community technology program's first year in winter 2003 a report of outcomes will be prepared and forwarded to program funders. Any other mid term updates required by program funders can also be provided upon request.

Technology Program Sustainability

Workforce development funding is rapidly becoming the keystone of program development across the non-profit human services spectrum. S.B.L.C.'s existing involvement in Workforce Investment Act (WIA) funding may therefore provide a link to further develop and sustain technology programs. Likely sources of funding may also include the Department of Education's Community Technology Centers grant program, as well as private foundations with specific program interests in addressing the digital divide issue. S.B.L.C.'s yearly E-rate funding is also expected to continue which will ensure the sustained maintenance of network systems and broadband Internet services. As well, certain of the community technology programs may themselves be a source of revenue in cases where a sliding scale training fee could be assessed to enrolled participants. In any case, the establishment of such a model community technology resource will itself be a powerful factor in leveraging subsequent program funds.

## 4. PRIOR TECHNOLOGY PLANNING & MANAGEMENT EXPERIENCE

S.B.L.C. has developed strategies for efficient management of its information technology. In a community based non-profit environment, existing resources must be maximized to successfully manage program technology so that the technology does not overwhelm the program. S.B.L.C. has offered integrated computer based learning as a part of its instructional program and has maintained a 25-user computer network for the past two years. These two years have been useful as a trial run for the larger community technology resource that S.B.L.C. now hopes to become. S.B.L.C. has gained direct experience in each of the areas critical to delivering a successful technology program including purchasing, implementation (both technical and programmatic), maintenance, troubleshooting, staff training, as well as resource and program development.

Existing Technology Resources

Current resources include 25 PC's, 16 of which comprise the student computer lab, which enrolled learners use for one to two hours per week as a part of their regular 6 hour per week class schedule. The other 9 PC's are distributed throughout S.B.L.C.'s program and administrative offices. The majority of these 25 stations are constituted from donated hardware that last received system upgrades in Summer 1998. During that upgrade, obsolete hardware donated from individuals and local businesses was raised to the then current Pentium MMX platform with the help of an $8,000 technology grant from S.B.L.C.'s longtime program funder, the Maryland State Department of Education. In addition to these PC's, S.B.L.C.'s resources also include an Ethernet network comprised of a Pentium 3 file server, 10/100 network switches, a DSU router, and a Unix Web server to house the organization's web site.

The current technology plan calls for raising all PC stations to a Pentium 3 platform. Since the present hardware will not permit upgrades to the Pentium 3 level due to industry wide changes in system architecture, it is necessary to purchase new hardware components, which will serve program needs for at least the next three to five years. The existing network resources are of a current operating standard, and are complete, requiring no further upgrades or additions.

Funding Development

The most notable success that S.B.L.C. has so far realized with respect to technology funding is the program's inclusion in the federal E-Rate program, supported by a $2.25 billion (FY2000) funding pool from the Federal Communications Commission (FCC). The E-Rate program provides discounts in telecommunications hardware and service costs to eligible K-12 education institutions. Discounts are awarded on a sliding scale from 50% to 90% based on the number of low-income students enrolled. As a provider of K-12 educational services to adults, S.B.L.C. meets the federal qualification guidelines for the E-Rate program. S.B.L.C.'s mission as an education provider to its low-income community makes the E-Rate program of particular value to the organization. With over 75% of S.B.L.C.'s enrollment earning at the very lowest levels, S.B.L.C. receives discounts of 90% on all computer network hardware/ software and Internet connection costs. These discounts make possible for S.B.L.C. options that would otherwise be far out of reach. These include:

- Installation of a full T-1 (1.5 mbps) direct connection to the Internet and monthly service at a cost of 10 cents on the dollar. Such a fast digital connection allows the Internet to become a viable instructional resource for teachers and students.
- Purchase of network hardware and software at 10 cents on the dollar allowing access to high quality hardware components as well as installation labor.
- 90% discounts on network service and support costs, allowing S.B.L.C. to purchase network service contracts from qualified agencies, thus relieving program staff of some of the technology management burden.
- Delivery of a total value to the project budget of over $68,000 in the first year alone. These savings are noted in detail in the attached project budget.

While the need has existed for years, no such resource to answer that need has ever been established in this community or near it. The establishment of such a resource in this community would offer residents a viable passage to a better economic life for themselves and their families. It is conservatively estimated that a minimum of 500 persons annually would be served by the community technology center. This estimate is based on S.B.L.C.'s current annual program enrollment of approximately 400 persons.

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