

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Communications Assistance for Law)	ET Docket No. 04-295
Enforcement Act and Broadband Access)	
and Services)	RM-10865
)	
)	
)	

To: The Commission

REPLY COMMENTS OF

**AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS
ASSOCIATION OF EDUCATIONAL SERVICE AGENCIES
CONSORTIUM FOR SCHOOL NETWORKING
COUNCIL OF CHIEF STATE SCHOOL OFFICERS
INTERNATIONAL SOCIETY FOR TECHNOLOGY IN
EDUCATION
NATIONAL ASSOCIATION OF FEDERALLY IMPACTED
SCHOOLS
NATIONAL ASSOCIATION OF INDEPENDENT SCHOOLS
NATIONAL SCHOOL BOARDS ASSOCIATION
NATIONAL EDUCATION ASSOCIATION

(THE “K-12 EDUCATION COALITION”)**

The K-12 Education Coalition (the “Coalition”)¹ hereby replies to comments submitted in response to the Federal Communications Commission (“Commission”) Further Notice of Proposed Rulemaking

¹The Coalition includes the following members: American Association of School Administrators; Association of Educational Service Agencies; Consortium for School Networking; Council of Chief State School Officers; International Society for Technology in Education; National Association of Federally Impacted Schools; National Association of Independent Schools; National School Boards Association; National Education Association.

(“FNPRM”) regarding potential exemption of certain entities from the Communications Assistance for Law Enforcement Act (“CALEA”).² In the *CALEA Broadband Order*, the Commission found that it was not in the public interest at this time to extend CALEA to “schools” that procure broadband Internet access through a commercial Internet Service Provider (“ISP”).³ The Coalition understands, therefore, that the Commission intended to exclude K-12 schools from its definition of a telecommunications carrier and therefore CALEA’s coverage. The Coalition asks the Commission to confirm this understanding.

Indeed, if schools were deemed to be telecommunications carriers because they provide facilities-based, broadband Internet access to students and educators, the potential technology and cost impact to the K-12 community would be enormous. Accordingly, the Coalition joins the American Library Association, Association of Research Libraries and Association of College and Research Libraries in asking the Commission to confirm that schools, like libraries, are not within the ambit of the Commission’s *CALEA Broadband Order*.⁴

Also, like those libraries mentioned in the *ALA Comments*, some K-12 schools obtain broadband Internet access via regional networks or through affiliation with regional and national high-speed networks such as the Pacific

² See *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295 (Rel. Sept. 23, 2005), published 70 Fed. Reg. 59,664 (Oct. 13, 2005) (“*CALEA Broadband Order*”).

³ *Id.* ¶ 36, n.99.

⁴ See Comments of the American Library Association, Association of Research Libraries and Association of College and Research Libraries (“*ALA Comments*”) at 1, 4.

Northwest Gigapop.⁵ The Coalition understands that the commercial Internet Service Provider that connects the gigapop or regional network to the commercial Internet has the CALEA obligation, not the gigapop or nonprofit local network, which are similar to CALEA-exempt, interexchange providers. The Coalition supports the comments of the Advanced Research and Education Networks (“ARENs”) coalition in that regard.⁶

Finally, as noted in the *ALA Comments*, if K-12 schools, like libraries, are not covered by the Commission’s *CALEA Broadband Order*, then no express exemption is required and comment on the issue is moot.⁷ But, if the Commission intends to cover schools or the networks upon which they rely for Internet access, the Commission should act immediately to exempt schools on the current record. In that regard, the Coalition joins in the exemption category proposed in the AREN’s comments that specifically identifies accredited institutions, including any public or private elementary or secondary school (K-12) , recognized or approved by the Department of Education of the State in which it is located.⁸

In conclusion, the Commission should confirm that K-12 schools are not covered by the Commission’s *CALEA Broadband Order*. To the extent the Commission may have intended otherwise, an exemption should be granted immediately.

⁵ *Id.* at 6. For example, K-12 schools in Western Washington connect to the Internet via the Pacific Northwest Gigapop, which is a nonprofit organization providing a connection and aggregation point for research and development and high-speed, reliable networking.

⁶ *See* ARENs Comments at 12-15.

⁷ *ALA Comments* at 6.

⁸ *See* ARENs Comments at 18.

Respectfully submitted,

**THE INTERNATIONAL SOCIETY
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APPENDIX

DESCRIPTION OF THE K-12 EDUCATION COALITION'S MEMBERS

American Association of School Administrators (AASA)

AASA is the professional organization for more than 14,000 educational leaders across the United States and Canada and in many other parts of the world. Founded in 1865, members of AASA include superintendents of schools and other central office administrators, building level administrators (principals), college and university administrators and professors, and administrators from other local, regional, state and national educational agencies.

Association of Educational Service Agencies (AESA)

AESA is the national organization that represents over 600 educational service agencies throughout the United States. AESA serves as the voice for educational service agencies at the federal level and supports its members in the areas of learning, technical assistance, research and advocacy.

Consortium for School Networking (CoSN)

Founded in 1992, the Consortium for School Networking (CoSN), a national non-profit organization, is the premier voice in education technology leadership. CoSN's mission is to serve as the national organization for K-12 technology leaders who use technology strategically to improve learning.

Council of Chief State School Officers (CCSSO)

CCSSO is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and the five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress and the public.

International Society for Technology in Education (ISTE)

The International Society for Technology in Education (ISTE®) is the trusted source in education technology for professional development, knowledge generation, and advocacy. A nonprofit membership organization, ISTE provides leadership and service to improve teaching and learning by

advancing the effective use of technology in PK-12 and teacher education. Home of the National Educational Technology Standards (NETS), the Center for Applied Research in Education Technology (CARET), and the National Educational Computing Conference (NECC), ISTE represents more than 85,000 worldwide leaders and potential leaders in educational technology.

National Association of Federally Impacted Schools (NAFIS)

NAFIS is an organization representing the interests of more than 1,500 school districts, which receive funds from Title VIII of Public Law 107-110. First passed in 1950, this program has provided a guarantee that any school district in the United States that can show a substantial financial impact due to the presence of federal property and/or federal activity is eligible for reimbursement from the federal government. Examples are school districts that service children residing on Federal Indian Trust land and those that educate the dependents of military personnel.

National Association of Independent Schools (NAIS)

NAIS, a nonprofit 501(c)(3) based in Washington, DC, is a membership organization that serves as the national voice of independent K-12 education. NAIS represents more than 1,200 U.S. independent schools, including day, boarding, and day/boarding schools; elementary and secondary schools; boys', girls', and coeducational schools. NAIS offers a variety of products and services to member schools and associations, including professional development, publications, and national statistics, and benchmarking.

National School Boards Association (NSBA)

NSBA is the nationwide advocacy organization for public school governance. NSBA's mission is to foster excellence and equity in public elementary and secondary education in the United States through local school board leadership. NSBA represents the nation's 95,000 school board members through its federation of 53 states and territories.

National Education Association (NEA)

NEA was founded in 1857 to elevate the character and advance the interests of the teaching profession and to promote the cause of public education in the United States. NEA membership currently stands at 2.6 million. Members include elementary and secondary teachers, higher education faculty, educational support personnel, retired educators and students preparing to become teachers. NEA has 52 state-level affiliates and more than 13,250 local associations.

