On October 25, 2005 I provided a copy of an email to USAC stating that the 2006 – 2009 technology plan was written in the Spring of 2005. The authoring of the plan was in compliance with the 2006 funding year; being that it was done prior to the 2006 470 filing cycle, but again, this was irrelevant for a 2005 SRIR.

4. On January 26, 2006, USAC requested that I indicate the specific date on which the completed draft or final version of the technology plan was first available.

4a. It should be noted that USAC was now in the possession of *two* technology plans – one, dated 2003 – 2005 which covered the dates of July 1, 2003 to June 30, 2006; and one, dated 2006 – 2009 which covered the dates of July 1, 2006 to June 30, 2009. On January 30, 2006 I stated to USAC that the completed draft was available on August 30, 2004. This was the earliest date that we could find pertaining to the 2006 – 2009 technology plan. It could not pertain to the 2003 – 2005 plan, because August 30, 2004 was well after the commencement of the 2003 – 2005 time period, so logically August 30, 2004 was not relevant for the 2003 – 2005 plan. By now, I was thoroughly confused about just what was being asked of me due to the persistent questions about a 2006 – 2009 plan, that I clearly stated was sent in error and not relevant to the PY8 2005 – 2006 Form 470s.

5. On January 31, 2006 I was notified by USAC that the information I provided on October 25, 2005 (about the 2006 – 2009 technology plan which is irrelevant to the PY8 2005 – 2006 Form 470s) conflicted with my January 30, 2006 response.

5a. Again, the repeated questions about the 2006 – 2009 technology plan obfuscated the matter, however, my response was consistent, namely the earliest *draft* of the 2006 – 2009 technology plan could be found as early as August 30, 2004, but the plan was in *draft* form only. It was *completed* on May 31, 2005 as I have stated. Furthermore, my statement that the plan was *finalized* on May 18, 2005 does not conflict with my previous statement that the plan was *completed* on May 31, 2005, since completion connotes that all parties signified that the plan was done.

6a. On January 10, 2006 and January 18, 2006 I was asked to provide the time period, including both the start and end dates that the 2003 – 2005 and the 2006 – 2009 technology plans respectively, covered.

6b. On January 23, 2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from July 1, 2002 to June 30, 2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006).

Summary

There was no intent to apply for E-rate funding in violation of program rules. The requirement for a technology plan was known to Monroe #1 BOCES and was indeed in place following E-rate guidelines. Furthermore, Monroe #1 BOCES is the RIC (Regional Information Center) for Monroe County schools and fully understands that entities must have valid technology plans at all times without any lapses in coverage and is obligated to have a valid technology plan prior to investing in technology. The issue of a valid Technology Plan should have never been an issue in the first place. This matter would have been greatly ameliorated if an opportunity to discuss the intent and line of reasoning for the inquiry at hand would have been straightforwardly articulated, rather than the "cat and mouse" approach, illustrated above. To wit, I placed several calls to the aforementioned PIA reviewer to begin a cordial dialogue and to expedite the delivery of whatever issue she was trying to resolve. Unfortunately, not one call was returned. Had the reviewer returned one of my initial calls and stated, "the 470s appear to have been filed prior to the existence of a technology plan", a straightforward, simple answer with supporting documentation could have been rendered. It is our understanding that recent decisions, such as the "Bishop Perry Order", recognize that the program has been perceived as exercise of "gotcha", and thus needs to become less confrontational. Indeed, my experience since the above, for PY9 has indicated that USAC/SLD is moving toward a user friendly process.

Therefore, to reiterate, Monroe #1 BOCES had in existence a valid technology plan completed prior to the submission of the PY8 2005 – 2006 Form 470(s). All parties involved could have saved a great deal of time and reached the same conclusion that the 2003 - 2005 technology plan satisfied the Form 470 filing requirements, had an open dialog taken place.

I respectfully request that the above application be funded based on the information contained herein. Should you wish to discuss any aspect further, please do not hesitate to contact me.

Respectfully,

Robert Cooper

June 16, 2006

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Letter of Appeal
Schools and Library Division
Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 442158;
Funding Commitment Decision Letter for Funding Year 2005

We are appealing the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services."

The purpose of this appeal is to request reconsideration of the above 471 application **442158** which was denied based on alleged technology plan timing. We assert that we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

Listed below is the history of the events that have lead up to the denial:

1. The 2006 – 2009 technology plan that was originally submitted in our E-Rate Selective Review Information Request dated 7/26/05 was sent in error, as clearly indicated in my September 16, 2005 correspondence to PIA Reviewer Christine Wittrien, per her follow up request to the E-Rate Selective Review Information Request, dated 8/25/2005. The 2003 – 2005 technology plan submitted as part of the documentation transmitted to Ms Wittrien September 16, 2005 *clearly stated on the bottom of page 8 that it covered school years 2003 – 2005*; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). This technology plan should have ended the concern and subsequent information requests concerning technology plans.

2. Unfortunately, when I received correspondence dated 10/05/2005 from Ms. Wittrien stating, "*Please provide the date that the technology plan for 2006 – 2009 was written. The plan for 2003-2005 does not cover the full funding year 7/1/05 – 6/30/06*", I should have simply stated, as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Therefore, the supplied 2003 – 2005 technology plan did indeed specifically cover the funding year in question.

   Unfortunately, I simply complied with Ms. Wittrien's request unhesitatingly, since we have found that not complying with any and all PIA requests, *to the letter*, result in more paperwork, lost time, and delays in funding. My reply dated 10/25/05 indicated that the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was written 5/31/05. All other correspondence referred back to this request, and further obfuscated the matter.

3. On 1/10/2006 Ms Wittrien requested the time period that the 2003 – 2005 and 2006 – 2009 technology plans covered. On 1/24/2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from 7/1/2002 to 6/30/2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on **6/30/2006**).

4. On 1/26/06 Ms. Wittrien requested further information: "*One last quick question on the Monroe 1 BOCES technology plan 2006 – 2009, please indicate the date (month, day, and year) on which a "completed draft" or "final version" of the technology plan was first available*". Again, I should have simply stated, as I did above that the 2003 – 2005 plan plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 1/30/2006, indicating that the 2006 – 2009 plan (irrelevant for FY 2005 as stated above) was complete August 30, 2004, again a typo on my part; I should have stated that the plan was completed on August 30, 2005. This should have stood out because as mentioned in item # 2 above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and thus couldn't have been completed August 30, **2004**. I apologize for the typo.

5. On 1/31/2006 Ms. Wittrien requested further information: "*While completing my review I noticed some conflicting information contained in documentation provided on 10/11/2005 and 1/30/2006. An e-mail from John Poland on 10/11/2005 states that the technology plan for 2006-09 was written in the spring of 2005 and completed on 5/31/2005. On 1/30/2006, you wrote the technology plan completed draft was available August 30, 2004. Please explain this apparent conflict and supply any supporting documentation that may be available.*"

Again, I should have simply stated as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 2/2/2006 indicating that the technology plan is developed prior to submitting the Form 470s.

Again, as stated above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and completed on August 30, 2005.

To summarize, the 2003 – 2005 technology plan that was submitted *clearly stated on the bottom of page 8* that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). So indeed, a technology plan covering the current funding year (FY 2005) *was* in place at the time of the filing of the Forms 470 and 471. This technology plan should have ended the concern and subsequent information requests concerning technology plans. I am aware that some of my typos made the reviewer's job more difficult, and I apologize. Nonetheless, if the reviewer read the bottom of page 8 of the supplied 2003 – 2005 technology plan, where it stated that it covered school years 2003 – 2005, the confusion would not have proliferated.

To further substantiate the fact that a valid technology plan was available prior to the time of the filing of the Forms 470 and 471, I have attached a letter of attestation from Bernie Weber, the Business Manager on Monroe #1 BOCES.

Therefore, it is our opinion that our technology plan covered the PY8 (2005 – 2006) funding year and was indeed in place prior to the time of the filing of the Forms 470 and 471. To this point, we believe we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

We respectfully request that the above application be funded based on this letter of appeal. Should you wish to obtain any of the documentation referenced above and the dates that it was previously made available to the SLD, please do not hesitate to contact me.

Respectfully,

Robert Cooper

December 20, 2006

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Letter of Appeal
Schools and Library Division
Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 442159;
Administrator's Decision on Appeal - Funding Year 2005

I am appealing the "Administrator's Decision on Appeal – Funding Year 2005 – 2006". The Administrator's Decision was for the original appeal I submitted challenging the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.".

The purpose of this E-rate FCC appeal is to request your assistance in resolving a simple issue that, due to process, has become very complex. It is requested that the FCC review the attached correspondence and exhibits and rule that Technology Plan specific program guidelines were followed, thereby restoring Program Year 2005 funding for Monroe #1 BOCES.

Our Complaint

The original Letter of Appeal, sated The result of a Selective Review for Program Year 2005 applications denied all E-rate applications for Monroe #1 BOCES in Rochester, NY stating as the reason that a valid Technology Plan was not in place at the time of the Form 470 filing. This is an E-rate guideline known and complied with by Monroe #1 BOCES since the commencement of the E-rate program in 1998. Please note that Monroe #1 BOCES has been subject to several Selective Reviews prior to this denial and received funding in all cases.

Exhibits

Enclosed please the 2003 - 2005 and 2006 – 2009 technology plans for Monroe #1 BOCES. Also provided are copies of the approval letters. Please understand the 2003-2005 technology plan covers three (3) school years, namely the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). The 2006-2009 technology plan covers three (3) school years for the dates of July 1, 2006 to June 30, 2009.

> ***Subsequent to the completion of the 2006 – 2009 technology plan and upon advice from USAC I was advised to incorporate a dating system which covered actual start and end dates as opposed to funding years. It should be noted that Monroe 1 BOCES had already changed the technology plan nomenclature for the dates a plan covered, as witness the 2006 – 2009 technology plan which was entitled for the beginning month of the year it covered and by the ending month of the year it covered; hence as stated above our 2006 – 2009 technology plan covers July 1, 2006 to June 30, 2009.***

As the fundamental issue at hand is the date of the technology plan relevant for the E-rate Program Year 2005 (PY8), please note the 2003 - 2005 technology olan includes Program Year 2005 (PY8) and was completed and approved prior to the filing of Program Year 2005 Form 470(s).

Process

Although necessary, the Selective Review process for an organization the size of Monroe #1 BOCES is lengthy and requires numerous communications between the school and the SLD reviewer. Communication from the SLD reviewer is short, to the point and progresses without active discussion as to the line of reasoning behind each request for information. In retrospect, it appears the SLD is seeking reasons to deny valid applications. The recent Bishop Perry decision adds weight to this perspective.

Such is the case for this Selective Review. The line of questioning did not clearly reveal the line of reasoning behind the requests for technology plan authoring, final draft, and approval relative to the filing of the Form 470(s). Clearly Monroe #1 BOCES had a valid technology plan, compliant with all E-rate guidelines, well before the filing of the Form 470(s).

Correspondence

Attached is the appeal submitted to the SLD for its Program Year 2005 decision to deny funding as well as the SLD reply reaffirming its decision. The length of the appeal, the contents of its argument, and the corresponding SLD response indicate the complexity and lack of clarity surrounding a simple requirement – the existence of a valid technology plan completed prior to the submission of the Form 470(s).

Before I address the Administrator's Decision on Appeal for Funding Year 2005-2006, I would like state that there was no fraud of any kind nor was there any willful violation of program rules. I understand, and have internalized the program rules and strictly follow them. What we are confronting is a simple clerical mistake and a rather large breakdown in clarity of communication with the PIA reviewer.

Listed below is the history of the events that have lead up to the denial:

1. On July 26, 2005 USAC sent an SRIR requesting a copy of the technology plan that supported our 2005 Funding Requests.

1a. The 2006 – 2009 technology plan that was originally submitted in our E-Rate Selective Review Information Request dated 7/26/05 was sent in error, as clearly indicated in my September 16, 2005 correspondence to PIA Reviewer Christine Wittrien, per her follow up request to the E-Rate Selective Review Information Request, dated 8/25/2005. The 2003 – 2005 technology plan submitted as part of the documentation transmitted to Ms Wittrien September 16, 2005 *clearly stated on the bottom of page 8 that it covered school years 2003 – 2005*; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), and the school year that began on 7/1/2005 (ending on 6/30/2006). *This technology plan should have ended the concern and subsequent information requests concerning technology plans.*

2. On August 23, 2005 USAC requested me to provide a copy of the technology plan that covered Funding Year 2005 (July 1, 2005 – June 30, 2006).

2a. Upon receipt of the August 23, 2005 correspondence I realized that I had erroneously sent in the wrong technology plan. We were in the throws of "gearing up" for the 2006 – 2007 filing and I mistakenly sent in the plan that covered the 2006 Funding Year. On September 16, 2005 I asked that the USAC reviewer disregard the technology plan that covered Funding Year 2006 (July 1, 2006 – June 30, 2007), namely the 2006 – 2009 technology plan. At that point I sent the 2003 – 2005 three (3) year technology plan which covered Funding years 2003, 2004, and 2005 and thus the dates of July 1, 2003 to June 30, 2006 to USAC.

> ******Subsequent to the completion of the 2006 – 2009 technology plan and upon advice from USAC I was advised to incorporate a dating system which covered actual start and end dates as opposed to funding years. It should be noted that Monroe 1 BOCES <u>had</u> already changed the technology plan nomenclature for the dates a plan covered, as witness the 2006 – 2009 technology plan which was entitled for the beginning month of the year it covered and by the ending month of the year it covered; hence as stated above our 2006 – 2009 technology plan covers July 1, 2006 to June 30, 2009.******

3. On October 5, 2005 and October 13, 2005 I was asked by USAC to provide the creation date of the *2006 – 2009* technology plan.

3a. Although this request appeared nonsensical, since the SRIR was dealing with the 2005 Funding Year, I dutifully replied with the creation date of the <u>*2006 – 2009*</u> technology plan as requested, since we have found that not complying with any and all PIA requests, *to the letter*, result in more paperwork, lost time, and delays in funding. My reply indicated that the 2006 – 2009 technology plan (irrelevant for PY8 2005 – 2006 Funding Year) was completed on May 18, 2005. Please note, further correspondence referred back to this request, and obfuscated the matter.

On October 25, 2005 I provided a copy of an email to USAC stating that the 2006 – 2009 technology plan was written in the Spring of 2005. The authoring of the plan was in compliance with the 2006 funding year; being that it was done prior to the 2006 470 filing cycle, but again, this was irrelevant for a 2005 SRIR.

4. On January 26, 2006, USAC requested that I indicate the specific date on which the completed draft or final version of the technology plan was first available.

4a. It should be noted that USAC was now in the possession of *two* technology plans – one, dated 2003 – 2005 which covered the dates of July 1, 2003 to June 30, 2006; and one, dated 2006 – 2009 which covered the dates of July 1, 2006 to June 30, 2009. On January 30, 2006 I stated to USAC that the completed draft was available on August 30, 2004. This was the earliest date that we could find pertaining to the 2006 – 2009 technology plan. It could not pertain to the 2003 – 2005 plan, because August 30, 2004 was well after the commencement of the 2003 – 2005 time period, so logically August 30, 2004 was not relevant for the 2003 – 2005 plan. By now, I was thoroughly confused about just what was being asked of me due to the persistent questions about a 2006 – 2009 plan, that I clearly stated was sent in error and not relevant to the PY8 2005 – 2006 Form 470s.

5. On January 31, 2006 I was notified by USAC that the information I provided on October 25, 2005 (about the 2006 – 2009 technology plan which is irrelevant to the PY8 2005 – 2006 Form 470s) conflicted with my January 30, 2006 response.

5a. Again, the repeated questions about the 2006 – 2009 technology plan obfuscated the matter, however, my response was consistent, namely the earliest *draft* of the 2006 – 2009 technology plan could be found as early as August 30, 2004, but the plan was in *draft* form only. It was *completed* on May 31, 2005 as I have stated. Furthermore, my statement that the plan was *finalized* on May 18, 2005 does not conflict with my previous statement that the plan was *completed* on May 31, 2005, since completion connotes that all parties signified that the plan was done.

6a. On January 10, 2006 and January 18, 2006 I was asked to provide the time period, including both the start and end dates that the 2003 – 2005 and the 2006 – 2009 technology plans respectively, covered.

6b. On January 23, 2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from July 1, 2002 to June 30, 2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006).

Summary

There was no intent to apply for E-rate funding in violation of program rules. The requirement for a technology plan was known to Monroe #1 BOCES and was indeed in place following E-rate guidelines. Furthermore, Monroe #1 BOCES is the RIC (Regional Information Center) for Monroe County schools and fully understands that entities must have valid technology plans at all times without any lapses in coverage and is obligated to have a valid technology plan prior to investing in technology. The issue of a valid Technology Plan should have never been an issue in the first place. This matter would have been greatly ameliorated if an opportunity to discuss the intent and line of reasoning for the inquiry at hand would have been straightforwardly articulated, rather than the "cat and mouse" approach, illustrated above. To wit, I placed several calls to the aforementioned PIA reviewer to begin a cordial dialogue and to expedite the delivery of whatever issue she was trying to resolve. Unfortunately, not one call was returned. Had the reviewer returned one of my initial calls and stated, "the 470s appear to have been filed prior to the existence of a technology plan", a straightforward, simple answer with supporting documentation could have been rendered. It is our understanding that recent decisions, such as the "Bishop Perry Order", recognize that the program has been perceived as exercise of "gotcha", and thus needs to become less confrontational. Indeed, my experience since the above, for PY9 has indicated that USAC/SLD is moving toward a user friendly process.

Therefore, to reiterate, Monroe #1 BOCES had in existence a valid technology plan completed prior to the submission of the PY8 2005 – 2006 Form 470(s). All parties involved could have saved a great deal of time and reached the same conclusion that the 2003 - 2005 technology plan satisfied the Form 470 filing requirements, had an open dialog taken place.

I respectfully request that the above application be funded based on the information contained herein. Should you wish to discuss any aspect further, please do not hesitate to contact me.

Respectfully,

Robert Cooper

June 16, 2006

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Letter of Appeal
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Whippany, New Jersey 07981

Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 442159;
Funding Commitment Decision Letter for Funding Year 2005

We are appealing the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services."

The purpose of this appeal is to request reconsideration of the above 471 application **442159** which was denied based on alleged technology plan timing. We assert that we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

Listed below is the history of the events that have lead up to the denial:

1. The 2006 – 2009 technology plan that was originally submitted in our E-Rate Selective Review Information Request dated 7/26/05 was sent in error, as clearly indicated in my September 16, 2005 correspondence to PIA Reviewer Christine Wittrien, per her follow up request to the E-Rate Selective Review Information Request, dated 8/25/2005. The 2003 – 2005 technology plan submitted as part of the documentation transmitted to Ms Wittrien September 16, 2005 *clearly stated on the bottom of page 8 that it covered school years 2003 – 2005*; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). This technology plan should have ended the concern and subsequent information requests concerning technology plans.

2. Unfortunately, when I received correspondence dated 10/05/2005 from Ms. Wittrien stating, "*Please provide the date that the technology plan for 2006 – 2009 was written. The plan for 2003-2005 does not cover the full funding year 7/1/05 – 6/30/06*", I should have simply stated, as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Therefore, the supplied 2003 – 2005 technology plan did indeed specifically cover the funding year in question.

   Unfortunately, I simply complied with Ms. Wittrien's request unhesitatingly, since we have found that not complying with any and all PIA requests, *to the letter*, result in more paperwork, lost time, and delays in funding. My reply dated 10/25/05 indicated that the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was written 5/31/05. All other correspondence referred back to this request, and further obfuscated the matter.

3. On 1/10/2006 Ms Wittrien requested the time period that the 2003 – 2005 and 2006 – 2009 technology plans covered. On 1/24/2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from 7/1/2002 to 6/30/2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on **6/30/2006**).

4. On 1/26/06 Ms. Wittrien requested further information: "*One last quick question on the Monroe 1 BOCES technology plan 2006 – 2009, please indicate the date (month, day, and year) on which a "completed draft" or "final version" of the technology plan was first available*". Again, I should have simply stated, as I did above that the 2003 – 2005 plan plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 1/30/2006, indicating that the 2006 – 2009 plan (irrelevant for FY 2005 as stated above) was complete August 30, 2004, again a typo on my part; I should have stated that the plan was completed on August 30, 2005. This should have stood out because as mentioned in item # 2 above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and thus couldn't have been completed August 30, **2004**. I apologize for the typo.

5. On 1/31/2006 Ms. Wittrien requested further information: "*While completing my review I noticed some conflicting information contained in documentation provided on 10/11/2005 and 1/30/2006. An e-mail from John Poland on 10/11/2005 states that the technology plan for 2006-09 was written in the spring of 2005 and completed on 5/31/2005. On 1/30/2006, you wrote the technology plan completed draft was available August 30, 2004. Please explain this apparent conflict and supply any supporting documentation that may be available.*"

Again, I should have simply stated as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 2/2/2006 indicating that the technology plan is developed prior to submitting the Form 470s.

Again, as stated above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and completed on August 30, 2005.

To summarize, the 2003 – 2005 technology plan that was submitted *clearly stated on the bottom of page 8* that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). So indeed, a technology plan covering the current funding year (FY 2005) *was* in place at the time of the filing of the Forms 470 and 471. This technology plan should have ended the concern and subsequent information requests concerning technology plans. I am aware that some of my typos made the reviewer's job more difficult, and I apologize. Nonetheless, if the reviewer read the bottom of page 8 of the supplied 2003 – 2005 technology plan, where it stated that it covered school years 2003 – 2005, the confusion would not have proliferated.

To further substantiate the fact that a valid technology plan was available prior to the time of the filing of the Forms 470 and 471, I have attached a letter of attestation from Bernie Weber, the Business Manager on Monroe #1 BOCES.

Therefore, it is our opinion that our technology plan covered the PY8 (2005 – 2006) funding year and was indeed in place prior to the time of the filing of the Forms 470 and 471. To this point, we believe we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

We respectfully request that the above application be funded based on this letter of appeal. Should you wish to obtain any of the documentation referenced above and the dates that it was previously made available to the SLD, please do not hesitate to contact me.

Respectfully,

Robert Cooper

December 20, 2006

DEC 26 2006 PM 1:49

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Letter of Appeal
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Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 444850;
Administrator's Decision on Appeal - Funding Year 2005

I am appealing the "Administrator's Decision on Appeal – Funding Year 2005 – 2006". The Administrator's Decision was for the original appeal I submitted challenging the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.".

The purpose of this E-rate FCC appeal is to request your assistance in resolving a simple issue that, due to process, has become very complex. It is requested that the FCC review the attached correspondence and exhibits and rule that Technology Plan specific program guidelines were followed, thereby restoring Program Year 2005 funding for Monroe #1 BOCES.

Our Complaint
The original Letter of Appeal, sated The result of a Selective Review for Program Year 2005 applications denied all E-rate applications for Monroe #1 BOCES in Rochester, NY stating as the reason that a valid Technology Plan was not in place at the time of the Form 470 filing. This is an E-rate guideline known and complied with by Monroe #1 BOCES since the commencement of the E-rate program in 1998. Please note that Monroe #1 BOCES has been subject to several Selective Reviews prior to this denial and received funding in all cases.

Exhibits

Enclosed please the 2003 - 2005 and 2006 – 2009 technology plans for Monroe #1 BOCES. Also provided are copies of the approval letters. Please understand the 2003-2005 technology plan covers three (3) school years, namely the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). The 2006-2009 technology plan covers three (3) school years for the dates of July 1, 2006 to June 30, 2009.

> ***Subsequent to the completion of the 2006 – 2009 technology plan and upon advice from USAC I was advised to incorporate a dating system which covered actual start and end dates as opposed to funding years. It should be noted that Monroe 1 BOCES had already changed the technology plan nomenclature for the dates a plan covered, as witness the 2006 – 2009 technology plan which was entitled for the beginning month of the year it covered and by the ending month of the year it covered; hence as stated above our 2006 – 2009 technology plan covers July 1, 2006 to June 30, 2009.***

As the fundamental issue at hand is the date of the technology plan relevant for the E-rate Program Year 2005 (PY8), please note the 2003 - 2005 technology olan includes Program Year 2005 (PY8) and was completed and approved prior to the filing of Program Year 2005 Form 470(s).

Process

Although necessary, the Selective Review process for an organization the size of Monroe #1 BOCES is lengthy and requires numerous communications between the school and the SLD reviewer. Communication from the SLD reviewer is short, to the point and progresses without active discussion as to the line of reasoning behind each request for information. In retrospect, it appears the SLD is seeking reasons to deny valid applications. The recent Bishop Perry decision adds weight to this perspective.

Such is the case for this Selective Review. The line of questioning did not clearly reveal the line of reasoning behind the requests for technology plan authoring, final draft, and approval relative to the filing of the Form 470(s). Clearly Monroe #1 BOCES had a valid technology plan, compliant with all E-rate guidelines, well before the filing of the Form 470(s).

Correspondence

Attached is the appeal submitted to the SLD for its Program Year 2005 decision to deny funding as well as the SLD reply reaffirming its decision. The length of the appeal, the contents of its argument, and the corresponding SLD response indicate the complexity and lack of clarity surrounding a simple requirement – the existence of a valid technology plan completed prior to the submission of the Form 470(s).

Before I address the Administrator's Decision on Appeal for Funding Year 2005-2006, I would like state that there was no fraud of any kind nor was there any willful violation of program rules. I understand, and have internalized the program rules and strictly follow them. What we are confronting is a simple clerical mistake and a rather large breakdown in clarity of communication with the PIA reviewer.

Listed below is the history of the events that have lead up to the denial:

1. On July 26, 2005 USAC sent an SRIR requesting a copy of the technology plan that *supported our 2005 Funding Requests.*

1a. The 2006 – 2009 technology plan that was originally submitted in our E-Rate Selective Review Information Request dated 7/26/05 was sent in error, as clearly indicated in my September 16, 2005 correspondence to PIA Reviewer Christine Wittrien, per her follow up request to the E-Rate Selective Review Information Request, dated 8/25/2005. The 2003 – 2005 technology plan submitted as part of the documentation transmitted to Ms Wittrien September 16, 2005 *clearly stated on the bottom of page 8 that it covered school years 2003 – 2005*; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), and the school year that began on 7/1/2005 (ending on 6/30/2006). *This technology plan should have ended the concern and subsequent information requests concerning technology plans.*

2. On August 23, 2005 USAC requested me to provide a copy of the technology plan that covered Funding Year 2005 (July 1, 2005 – June 30, 2006).

2a. Upon receipt of the August 23, 2005 correspondence I realized that I had erroneously sent in the wrong technology plan. We were in the throws of "gearing up" for the 2006 – 2007 filing and I mistakenly sent in the plan that covered the 2006 Funding Year. On September 16, 2005 I asked that the USAC reviewer disregard the technology plan that covered Funding Year 2006 (July 1, 2006 – June 30, 2007), namely the 2006 – 2009 technology plan. At that point I sent the 2003 – 2005 three (3) year technology plan which covered Funding years 2003, 2004, and 2005 and thus the dates of July 1, 2003 to June 30, 2006 to USAC.

> ******Subsequent to the completion of the 2006 – 2009 technology plan and upon advice from USAC I was advised to incorporate a dating system which covered actual start and end dates as opposed to funding years. It should be noted that Monroe 1 BOCES <u>had</u> already changed the technology plan nomenclature for the dates a plan covered, as witness the 2006 – 2009 technology plan which was entitled for the beginning month of the year it covered and by the ending month of the year it covered; hence as stated above our 2006 – 2009 technology plan covers July 1, 2006 to June 30, 2009.******

3. On October 5, 2005 and October 13, 2005 I was asked by USAC to provide the creation date of the *2006 – 2009* technology plan.

3a. Although this request appeared nonsensical, since the SRIR was dealing with the 2005 Funding Year, I dutifully replied with the creation date of the <u>*2006 – 2009*</u> technology plan as requested, since we have found that not complying with any and all PIA requests, *to the letter*, result in more paperwork, lost time, and delays in funding. My reply indicated that the 2006 – 2009 technology plan (irrelevant for PY8 2005 – 2006 Funding Year) was completed on May 18, 2005. Please note, further correspondence referred back to this request, and obfuscated the matter.

On October 25, 2005 I provided a copy of an email to USAC stating that the 2006 – 2009 technology plan was written in the Spring of 2005. The authoring of the plan was in compliance with the 2006 funding year; being that it was done prior to the 2006 470 filing cycle, but again, this was irrelevant for a 2005 SRIR.

4. On January 26, 2006, USAC requested that I indicate the specific date on which the completed draft or final version of the technology plan was first available.

4a. It should be noted that USAC was now in the possession of *two* technology plans – one, dated 2003 – 2005 which covered the dates of July 1, 2003 to June 30, 2006; and one, dated 2006 – 2009 which covered the dates of July 1, 2006 to June 30, 2009. On January 30, 2006 I stated to USAC that the completed draft was available on August 30, 2004. This was the earliest date that we could find pertaining to the 2006 – 2009 technology plan. It could not pertain to the 2003 – 2005 plan, because August 30, 2004 was well after the commencement of the 2003 – 2005 time period, so logically August 30, 2004 was not relevant for the 2003 – 2005 plan. By now, I was thoroughly confused about just what was being asked of me due to the persistent questions about a 2006 – 2009 plan, that I clearly stated was sent in error and not relevant to the PY8 2005 – 2006 Form 470s.

5. On January 31, 2006 I was notified by USAC that the information I provided on October 25, 2005 (about the 2006 – 2009 technology plan which is irrelevant to the PY8 2005 – 2006 Form 470s) conflicted with my January 30, 2006 response.

5a. Again, the repeated questions about the 2006 – 2009 technology plan obfuscated the matter, however, my response was consistent, namely the earliest *draft* of the 2006 – 2009 technology plan could be found as early as August 30, 2004, but the plan was in *draft* form only. It was *completed* on May 31, 2005 as I have stated. Furthermore, my statement that the plan was *finalized* on May 18, 2005 does not conflict with my previous statement that the plan was *completed* on May 31, 2005, since completion connotes that all parties signified that the plan was done.

6a. On January 10, 2006 and January 18, 2006 I was asked to provide the time period, including both the start and end dates that the 2003 – 2005 and the 2006 – 2009 technology plans respectively, covered.

6b. On January 23, 2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from July 1, 2002 to June 30, 2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006).

Summary

There was no intent to apply for E-rate funding in violation of program rules. The requirement for a technology plan was known to Monroe #1 BOCES and was indeed in place following E-rate guidelines. Furthermore, Monroe #1 BOCES is the RIC (Regional Information Center) for Monroe County schools and fully understands that entities must have valid technology plans at all times without any lapses in coverage and is obligated to have a valid technology plan prior to investing in technology. The issue of a valid Technology Plan should have never been an issue in the first place. This matter would have been greatly ameliorated if an opportunity to discuss the intent and line of reasoning for the inquiry at hand would have been straightforwardly articulated, rather than the "cat and mouse" approach, illustrated above. To wit, I placed several calls to the aforementioned PIA reviewer to begin a cordial dialogue and to expedite the delivery of whatever issue she was trying to resolve. Unfortunately, not one call was returned. Had the reviewer returned one of my initial calls and stated, "the 470s appear to have been filed prior to the existence of a technology plan", a straightforward, simple answer with supporting documentation could have been rendered. It is our understanding that recent decisions, such as the "Bishop Perry Order", recognize that the program has been perceived as exercise of "gotcha", and thus needs to become less confrontational. Indeed, my experience since the above, for PY9 has indicated that USAC/SLD is moving toward a user friendly process.

Therefore, to reiterate, Monroe #1 BOCES had in existence a valid technology plan completed prior to the submission of the PY8 2005 – 2006 Form 470(s). All parties involved could have saved a great deal of time and reached the same conclusion that the 2003 - 2005 technology plan satisfied the Form 470 filing requirements, had an open dialog taken place.

I respectfully request that the above application be funded based on the information contained herein. Should you wish to discuss any aspect further, please do not hesitate to contact me.

Respectfully,

Robert Cooper

June 16, 2006

Robert Cooper
PO Box 937
Pittsford, NY 14534
Tele: 585-385-1474
Fax: 585-385-3489
Email: RCHawaii@mindspring.com

Letter of Appeal
Schools and Library Division
Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 444850;
Funding Commitment Decision Letter for Funding Year 2005

We are appealing the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services."

The purpose of this appeal is to request reconsideration of the above 471 application **444850** which was denied based on alleged technology plan timing. We assert that we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

Listed below is the history of the events that have lead up to the denial:

1. The 2006 – 2009 technology plan that was originally submitted in our E-Rate Selective Review Information Request dated 7/26/05 was sent in error, as clearly indicated in my September 16, 2005 correspondence to PIA Reviewer Christine Wittrien, per her follow up request to the E-Rate Selective Review Information Request, dated 8/25/2005. The 2003 – 2005 technology plan submitted as part of the documentation transmitted to Ms Wittrien September 16, 2005 *clearly stated on the bottom of page 8 that it covered school years 2003 – 2005*; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). This technology plan should have ended the concern and subsequent information requests concerning technology plans.

2. Unfortunately, when I received correspondence dated 10/05/2005 from Ms. Wittrien stating, "*Please provide the date that the technology plan for 2006 – 2009 was written. The plan for 2003-2005 does not cover the full funding year 7/1/05 – 6/30/06*", I should have simply stated, as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Therefore, the supplied 2003 – 2005 technology plan did indeed specifically cover the funding year in question.

   Unfortunately, I simply complied with Ms. Wittrien's request unhesitatingly, since we have found that not complying with any and all PIA requests, *to the letter*, result in more paperwork, lost time, and delays in funding. My reply dated 10/25/05 indicated that the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was written 5/31/05. All other correspondence referred back to this request, and further obfuscated the matter.

3. On 1/10/2006 Ms Wittrien requested the time period that the 2003 – 2005 and 2006 – 2009 technology plans covered. On 1/24/2006 I made a typo in my response by indicating that the 2003 – 2005 technology plan covered the time period from 7/1/2002 to 6/30/2005. When indeed the 2003 – 2005 technology plan clearly stated on the bottom of page 8 that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on **6/30/2006**).

4. On 1/26/06 Ms. Wittrien requested further information: "*One last quick question on the Monroe 1 BOCES technology plan 2006 – 2009, please indicate the date (month, day, and year) on which a "completed draft" or "final version" of the technology plan was first available*". Again, I should have simply stated, as I did above that the 2003 – 2005 plan plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 1/30/2006, indicating that the 2006 – 2009 plan (irrelevant for FY 2005 as stated above) was complete August 30, 2004, again a typo on my part; I should have stated that the plan was completed on August 30, 2005. This should have stood out because as mentioned in item # 2 above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and thus couldn't have been completed August 30, **2004**. I apologize for the typo.

5. On 1/31/2006 Ms. Wittrien requested further information: "*While completing my review I noticed some conflicting information contained in documentation provided on 10/11/2005 and 1/30/2006. An e-mail from John Poland on 10/11/2005 states that the technology plan for 2006-09 was written in the spring of 2005 and completed on 5/31/2005. On 1/30/2006, you wrote the technology plan completed draft was available August 30, 2004. Please explain this apparent conflict and supply any supporting documentation that may be available.*"

Again, I should have simply stated as I did above, that the 2003 – 2005 plan that I submitted for the E-Rate Selective Review Information Request covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). Instead, I answered her request specifically on 2/2/2006 indicating that the technology plan is developed prior to submitting the Form 470s.

Again, as stated above, the 2006 – 2009 technology plan (irrelevant for FY 2005 as stated above) was *written* 5/31/05 and completed on August 30, 2005.

To summarize, the 2003 – 2005 technology plan that was submitted *clearly stated on the bottom of page 8* that it covered school years 2003 – 2005; that is the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). So indeed, a technology plan covering the current funding year (FY 2005) *was* in place at the time of the filing of the Forms 470 and 471. This technology plan should have ended the concern and subsequent information requests concerning technology plans. I am aware that some of my typos made the reviewer's job more difficult, and I apologize. Nonetheless, if the reviewer read the bottom of page 8 of the supplied 2003 – 2005 technology plan, where it stated that it covered school years 2003 – 2005, the confusion would not have proliferated.

To further substantiate the fact that a valid technology plan was available prior to the time of the filing of the Forms 470 and 471, I have attached a letter of attestation from Bernie Weber, the Business Manager on Monroe #1 BOCES.

Therefore, it is our opinion that our technology plan covered the PY8 (2005 – 2006) funding year and was indeed in place prior to the time of the filing of the Forms 470 and 471. To this point, we believe we are fully compliant with all E-rate guidelines and that the denial of this application was based on an inaccurate reading of the supplied 2003 – 2005 technology plan.

We respectfully request that the above application be funded based on this letter of appeal. Should you wish to obtain any of the documentation referenced above and the dates that it was previously made available to the SLD, please do not hesitate to contact me.

Respectfully,

Robert Cooper

December 20, 2006

Robert Cooper
PO Box 937
Pittsford, NY 14534
Tele: 585-385-1474
Fax: 585-385-3489
Email: RCHawaii@mindspring.com

Letter of Appeal
Schools and Library Division
Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

Re: Letter of Appeal for: "Monroe 1 BOCES", BEN 124896;
Appellant Name: "Robert Cooper"
Application #: 467438;
Administrator's Decision on Appeal - Funding Year 2005

I am appealing the "Administrator's Decision on Appeal – Funding Year 2005 – 2006". The Administrator's Decision was for the original appeal I submitted challenging the decision: "A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.".

The purpose of this E-rate FCC appeal is to request your assistance in resolving a simple issue that, due to process, has become very complex. It is requested that the FCC review the attached correspondence and exhibits and rule that Technology Plan specific program guidelines were followed, thereby restoring Program Year 2005 funding for Monroe #1 BOCES.

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The original Letter of Appeal, sated The result of a Selective Review for Program Year 2005 applications denied all E-rate applications for Monroe #1 BOCES in Rochester, NY stating as the reason that a valid Technology Plan was not in place at the time of the Form 470 filing. This is an E-rate guideline known and complied with by Monroe #1 BOCES since the commencement of the E-rate program in 1998. Please note that Monroe #1 BOCES has been subject to several Selective Reviews prior to this denial and received funding in all cases.

Exhibits

Enclosed please the 2003 - 2005 and 2006 – 2009 technology plans for Monroe #1 BOCES. Also provided are copies of the approval letters. Please understand the 2003-2005 technology plan covers three (3) school years, namely the school year that began on 7/1/2003 (ending on 6/30/2004), the school year that began on 7/1/2004 (ending on 6/30/2005), the school year that began on 7/1/2005 (ending on 6/30/2006). The 2006-2009 technology plan covers three (3) school years for the dates of July 1, 2006 to June 30, 2009.

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As the fundamental issue at hand is the date of the technology plan relevant for the E-rate Program Year 2005 (PY8), please note the 2003 - 2005 technology olan includes Program Year 2005 (PY8) and was completed and approved prior to the filing of Program Year 2005 Form 470(s).

Process

Although necessary, the Selective Review process for an organization the size of Monroe #1 BOCES is lengthy and requires numerous communications between the school and the SLD reviewer. Communication from the SLD reviewer is short, to the point and progresses without active discussion as to the line of reasoning behind each request for information. In retrospect, it appears the SLD is seeking reasons to deny valid applications. The recent Bishop Perry decision adds weight to this perspective.

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