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In the Matters of	:	
International Comparison And Survey Requirements In The Broadband Data Improvement Act	:	GN Docket No. 09-47
A National Broadband Plan For Our Future	:	GN Docket No. 09-51
Inquiry Concerning The Deployment Of Advanced Telecommunications Capability To All Americans In A Reasonable And Timely Fashion	:	GN Docket No. 09-137
Schools And Libraries Universal Service Support Mechanism	:	CC Docket No. 02-6
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Comment Sought On Broadband Needs In Education, Including Changes To E-Rate Program To Improve Broadband Deployment	:	NPB Public Notice # 15

INITIAL COMMENTS OF THE
WEST VIRGINIA STATE DEPARTMENT OF EDUCATION
NPB PUBLIC NOTICE #15

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INTRODUCTION

The West Virginia Department of Education (WVDE) appreciates the opportunity to respond to the Federal Communications Commission NPB Public Notice. The WVDE provides school districts with help desk support, training opportunities and support in submitting applications for the E-rate program, providing technology plan approval, applicant verification assistance to the Program Integrity Assurance (PIA) Division of USAC, verification to the Administrator of applicable state laws confirming eligibility of certain applicant groups, contact of last resort to applicants by the Administrator, verification point for free/reduced lunch numbers for applicants, as well as, functioning as an E-rate consortia applicant. Through the consortia applications, the WVDE, on behalf of all public schools in West Virginia, applies for discounts for statewide Internet access, state backbone telecommunications and Internal Connections. The WVDE also works to further broadband development in West Virginia by assisting with design, development and deployment of broadband networks at the school district-level. These wide area networks are funded via local match funds and E-rate commitments.

11. E-rate Modifications

Introduction

The West Virginia Department of Education extols the FCC's launching of this proceeding in order to gather information for program improvement and modification to more effectively meet the needs of applicants as well as whether the program can be a vehicle to stimulate the adoption of broadband throughout communities. West Virginia is a rural state with a 74% average discount within the E-rate program. Many of the schools and districts in West Virginia are high poverty and exist in either unserved or underserved areas in relationship to broadband. The West Virginia Department of Commerce recently filed an application through the Broadband Technology Opportunities Program (BTOP) in order to expand broadband opportunities for West Virginia citizens, schools, libraries, medical facilities and others. Several school districts would be interested in applying for Public Computing Center funding under the BTOP program if E-rate program rules would allow for that utilization. Through this pairing, the two programs could potentially create a "spillover" effect whereby instruction in the use of broadband and other technology-based educational trainings would as a result lead to greater broadband adoption in the community. The WVDE will address this issue in later comments in relationship to eligible users.

a. In regards to seeking granularity of services received in order to better understand what broadband services eligible applicants are buying today, we would propose that data collected during the E-rate application process be fed into a database which can be queried for relevant information. Block 2 and Block 4 of Form 471 applications could be combined to gather connectivity, discount level, etc. This could be best completed by only requiring this information gathering on one local application and not required for consortia applicants as this would duplicate the information that the consortia members would already be submitting as part of their local applications. For consortia members that do not file local applications, the information could be provided by the Consortia during

Program Integrity Assurance (PIA) review. When answering the question about segmenting the applicant community that receives discounts on higher capacity broadband services based on specific characteristics (such as number of students, rural vs. urban, discount level, etc.) this information could be gathered during the Block 4 and Block 5 portions of the Form 471 application. Within the first Form 471 application, the applicant, during population of the Block 4, would tie each school with their corresponding connection types and speeds. Within the Block 5 portion of the application, an additional option to of "Broadband" for category of service should be added to aide in the gathering of information, as well. When looking at the entities from Block 4 tied into the Block 5 Funding Request, information relating to what the FCC is seeking should be able to be distilled. This may take additional IT work in order to accomplish a method that will make those connections within the system. In later comments, WV will discuss a change in the Priority types and Categories of Service. If applicants are requesting broadband services on this particular application, this could potentially add an extra page to the application.

b. As West Virginia public school applicants develop their technology plans and determine broadband needs, they consider their current utilization of broadband as well as future plans. There are always new required programs to meet state standards and assessments which demand greater broadband. Because West Virginia has a centralized state network, we are able to provide each district and school with a bandwidth utilization report website. This bandwidth utilization report shows each school's capacity, as well as, daily, monthly and yearly reports of utilization. Analysis of the report can indicate a need for increased bandwidth when utilization is pushing the maximum capacity. This monitoring also helps signal increased bandwidth needs due to more computers added to accessss the network or more rigorous instructional software being used that requires simulations or video and therefore more bandwidth.) During state testing, we have found there to be a lack of bandwidth in most districts. Recently, our Governor has required that school districts meet a certain level of bandwidth in a two phase approach. The first phase is 10 MB to each school by 2011 and the

second phase is 100 MB to each school. These requirements may be waived based on the school population. State funding hinges on meeting these broadband goals.

c. West Virginia supports expanding "eligible use" of Internet access within the schools to allow schools to continue their mission of education within their community. In saying this, we do not support schools becoming free Wi-Fi centers, Internet cafes, or the source for waste, fraud and abuse of this E-rated service. The mission of schools in West Virginia is to educate all. Many of the federal programs in which West Virginia participates (and schools nationwide) require partnerships with outside community entities, as well as, parental support. After school sessions that utilize the Internet to educate the community on uses and potential of broadband should be allowed as part of this mission. Under current E-rate regulations/rules, this type of after school session would be a violation or a situation where the school would have to "cost-allocate" – a near impossible task. This change is critical to allowing the enormous positive educational effect of E-rate to increase the educational knowledge of community on what may be accomplished if they also had access at the home. This would increase the need and installation of the last mile.

NCLB Title II, Part D identifies 12 criteria that must be addressed by schools - one of which is the collaboration with adult literacy service providers, to maximize the use of technology (http://tpesc.esc12.net/eplan/nclb.html). E-rate rules identify these service providers and the adults they serve in these programs to be ineligible users. This places schools in a difficult position of trying to follow rules from two Federal programs that are in conflict. The education of adults as members of the school community is part of the education mission of schools and adult literacy is critical in that it develops these individuals to become productive members of society.

Within the Title I requirements, schools are to involve parents, as well as the community. Under SEC. 1118. PARENTAL INVOLVEMENT, (B) provide the coordination, technical assistance, and

other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

(2) shall provide materials and training to help parents to work with their children to improve their children's achievement, <u>such as literacy training and using technology</u>, as appropriate, to foster parental involvement;

(3) shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with <u>Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers</u>, that encourage and support parents in more fully participating in the education of their children;

(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

(9) may train parents to enhance the involvement of other parents;

(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

(11) may adopt and implement model approaches to improving parental involvement;

(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request. (http://www.ed.gov/policy/elsec/leg/esea02/pg2.html)

Currently, the E-rate rules prohibit these partnerships and limits Internet access to only school employees and students. Schools do not pay-per-use for their bandwidth, yet cost-allocation has been the only resolution to the "ineligible use" issue with statements such as "there is no de minimus for Internet access utilization" as the reasoning. There is no additional cost incurred for telecommunications service by the school or the E-rate program for use of the school's computer lab after-hours for these trainings for parents. Currently, USAC only offers cost-allocation as a remedy for ineligible users. There is no logical way to predict the future use of the school network and Internet in order to come up with a cost-allocation model. Also, if there is <u>no additional cost</u>, why should schools have to reduce funding received for following federal program requirements such as those outlined in No Child Left Behind (NCLB) and Title I, participating in community outreach education or merely educating West Virginians?

Further, utilization of the school's telecommunications network by contractors who provide services to the teachers or students could also be an issue. (See Appendix 2-Table) Under these circumstances, these contractors are acting in the same way a faculty member would in serving the students. If the school enters into a collaborative agreement with a mental health group, medical clinic, dental provider, security officer, etc. and those contracted services are serving students, access to an existing telephone network or the Internet to allow for record keeping should be allowed under the E-rate program.

Finally, we believe that school security systems should be allowed to pass data across the school network and over Internet access. This data traversing E-rated connections is indeed for the safety of all and paramount to the education of students. For example, the state E-rate coordinator's son knows where the security cameras at school are and feels safe to travel those areas of the school. Anywhere there is not a security camera, he avoids for his own safety and protection. Clarifying that this security data is eligible would be a parallel to a school security officer being eligible to have an E-

rate cell phone to carry while he walks the hallways protecting the safety of the students. Bottom line, West Virginia believes that services provided to benefit the health, safety and education of students in West Virginia should be allowed; however, the allowance of those that are currently considered ineligible users should never preempt student use for instructional purposes, i.e., a parent education class could only be scheduled when labs are "open" or not scheduled for instruction of students.

West Virginia is concerned that institutions, businesses, etc. may attempt to leverage the school's E-rated telecommunications services to avoid their own provision of services. For example, a school computer lab in the evening holding a computer class for the community sponsored by the local university would be appropriate. On the other hand, the local university building a wing onto a school building in order to utilize the school's network, Internet access and telephone services would not. This would mean that the university would be circumventing its own need for Internet access, thus becoming a drain on the E-rate program. Additionally, contracting entities providing services to schools should incur their own costs for business or office phone lines. In these contracted service situations, it should not be allowable for the addition of a full-blown main office or satellite office that would further drain the E-rate coffers.

During the recent BTOP (Broadband Technologies Opportunity Program) grant program, schools were identified by NTIA as anchor tenant institutions and thereby eligible to apply for funding to serve a public computing centers. We believe the potential utilization for schools for this purpose is one that is both promising and a cause for caution. While this program could create the opportunity for schools to increase their technology and expand their facilities, under the current E-rate rules, the utilization of the school's E-rated telecommunications service by the community in the Public Computing Centers would be prohibited. West Virginia would ask that these centers be allowed to be included as eligible users of E-rate funded Internet access. The mission of these centers

would be focused on public education. The access by the community would not hinder broadband adoption by the public, but rather encourage it. During the past twelve years of the E-rate program, public libraries have not put Telecommunications companies out of business by allowing public utilization of Internet access. West Virginia pleads with the Commission to allow the same access of schools as Educational anchor tenants to be added to the eligible users of E-rated services.

d. In regards to changing statute in order to allow additional classes of eligible recipients of E-rate services, we believe that the addition of some entities could handicap the E-rate program as a whole. The additions of *any* entities would require an increase in the current cap of $2.25 billion. West Virginia applauds Senator Rockefeller's recent recommendation that this cap be increased.

The current funding for the E-rate program does not meet the demand. Since 2005, the E-rate program has only funded Priority 2 services to schools at the 90% discount threshold. With the necessitation of increased bandwidth program-wide, this will more than likely drain the fund further. It could become a crisis in which schools without E-rate funding would not be financially able to provide the network infrastructure to support utilization of the Internet. Schools that fall below the 90% threshold have only seen internal connections Priority 2 funding three times since the program began (70% in 1998, all funding levels funded in 1999, then only down to 80% in 2005). An increase in the funding cap may be necessitated to continue to support the program as it is currently written. However, the increased strain on the program by adding entities that were not included in the initial creation could bankrupt the program.

In addition to this major issue of funding, there are other concerns about serving the neediest. Eligibility from free/reduced lunch programs is an equitable measure of need for public schools nationwide; community colleges do not have this method of defining need. Community Colleges do have the opportunity to charge tuition for operating costs while public schools do not. There is no

logical justification of adding community colleges or any like entities at the cost of not serving needier public locations that can demonstrate the overwhelming value of E-rate to them—that they would not have otherwise. Community colleges are already providing Internet access to students; many are charging for online courses as another method to recoup their costs, again, not available to K-12 schools public schools.

To the extent that Headstart and pre-schools should be eligible for E-rate services, the existing rules allow for these entities to be eligible as long as state law permits. In West Virginia, state law covers pre-kindergarten and covers those Head Start entities that have collaborative contracts with local educational agencies (districts). We believe that this designation ensures that quality instruction will be maintained under the auspice of the state and should remain the rule.

e. The current requirements for schools to provide the necessary resources (hardware, software, professional development, electrical capacity and maintenance of end-user equipment) should continue as it currently exists. This is a deterrent to waste, fraud and abuse and puts some of the financial responsibility on the applicant. The current E-rate program requirements in this area have served the program well because it creates a level of equity in the program support. E-rate funds the access; local, state and other federal funding provides the computers and professional development. There is a "buy-in for all" to serve education across all programs. Maintaining the current program requirements allows for cooperative planning of the different funding sources to best provide for the needs of the local school. Finally, the Fund cannot support this type of addition to the eligible services list when the internal connection necessities for schools that range from 20-80% discount levels continue to go unmet.

f. While it would appear on the surface to be beneficial, allowing applicants to install their own fiber to establish a Wide Area Network (WAN) would be a detriment to the program as a whole.

USF funds via telecommunications providers are the life-blood of the E-rate program. Providing funding for schools to build their own fiber networks would take dollars from the program and would not increase the flow of dollars back into the program. Leasing a WAN from a telecommunications provider puts funds back into the USF, whereas school-owned WANs (acting as their own Telecommunications provider) will not continue to sustain the fund.

Broadband deployment could be encouraged by providing incentives to telecommunications providers to install fiber in unserved /underserved areas. Another program within the USF fund, High Cost, allows telecommunications providers to receive funding to subsidize high-cost installations in rural areas. Subsidizing construction charges through a certified telecommunications provider at a greater dollar threshold for areas certified as unserved or underserved would serve school districts to and also bring fiber closer to communities. This would result in broadband access for the community at a lower cost and stimulate the purchase of broadband Internet access. The key in making this process affordable for the schools is to implement via increased E-rate subsidies for the initial output of installation and construction costs.

g. The West Virginia Department of Education believes that there are several ways that programmatic rules and policies could be modified to increase demand for broadband funding. The current process for applying for E-rate funding is onerous for schools/districts. The application process needs to be streamlined and simplified. The current application process requires all applicants to file yearly Form 470s for competitive bidding. This is an onerous process and many Priority 1 services such as phone lines and cell service receive little response from service providers during this competitive bidding process. Additionally, most states already have in place rules for competitive bidding that far exceed the Form 470 requirements. Instead, applicants should be required to self-certify on the Form 471 that they have complied with applicable procurement laws. There is precedent set within the Form 471 with the Item 25 self-certification. During review,

requests for documentation of competitive bidding would be able to provide evidence of compliance of the state and local rules for bidding.

Form 471s could be improved by allowing "Evergreen" applications if the applicant is submitting for similar services each year. The application could stand "Evergreen" to avoid the burden of re-filing and going through review each year. This process could be facilitated by a USAC portal where applicants can view their existing applications and modify/edit previous applications to reflect any changes in recipients of service or reasonable changes in dollar amounts. The applicant would then be able to track forms, deadlines and dollar amounts for the applicant via their portal login. This electronic format would also facilitate the release of unused funds by the applicant back into the program. Rather than completing another paper form that requires a great deal of duplicative information per FRN (Funding Request Number), applicants could pull up information and with a click (and confirmation of the choice, of course) release funds immediately. This portal would be a hybrid fusion of an online banking platform (showing all applications, dollars, etc.) and an online tax preparation system (for filing applications, tracking applications and deadlines, etc.). We are aware that USAC is undergoing a technology implementation and hope that this vision will be reflected in the outcome. We applaud USAC and the FCC for the system upgrade efforts.

h. In regards to the request for ideas and on other suggestions for changing E-rate eligibility to improve broadband deployment in relationship to schools, the focus needs to lie within the realm of education. Public K-12 Schools are institutions of learning and if the utilization of Internet is occurring for educational purposes, then this eligibility should be allowable. Allowing schools to become training centers in the evening hours to instruct the community in the utilization of the Internet would increase the demand for home access, assuming that access is available and affordable. By ensuring that schools in the community have high bandwidth through the E-rate program, the telecommunications facilities and fiber will be available to bring services to the homes at a much

decreased rate. Educated users will take that desire to access the Internet into the homes as exhibited in more affluent neighborhoods where users subscribe to home services. Additionally, with increased subscriptions to home Internet access, telecommunication companies can justify deploying infrastructure that supports higher bandwidths and more affordable rates for subscribers.

12. E-RATE DISBURSEMENT

a. In West Virginia, a major deterrent for schools to increase broadband or "catch up" is the availability of broadband Internet. Under the current West Virginia state master contract, Ethernet services are only offered to those schools where the telecommunications company already has fiber.

Schools want to purchase higher bandwidth connections, but cannot due to telecommunications vendors not responding to their RFPs for higher bandwidth or due to the construction charges to bring the fiber into the area making the project unaffordable. Schools are also facing "mileage charges" to carry the connections to a Central Office owned by the Telecommunications companies. In some instances, these rates can exceed the cost for the data line itself.

In other situations, telecommunications companies offer schools higher bandwidth than a T-1, but the service is through antiquated and deteriorating copper line services that max out at half the speeds that will be ultimately required by the state. (The state is requiring schools to deploy some minimum broadband service in order to receive legislative funding for hardware and professional development.)

In each of these circumstances, providing incentives to the telecommunications providers for construction/installation of fiber Ethernet services and allowing an increase in subsidies to cover the capital costs would be of great benefit. Currently, eligible Telecommunications Services and Internet Access can include service provider equipment costs and/or a non-recurring charge for capital

investment by the service provider. However, in cases where applicants enter a multi-year contract and the upfront or non-recurring charge is $500,000 or more, the total charge must be prorated evenly over a period of at least three years. Applicants may not seek to recover more than one-third of the total non-recurring charges in any one funding year if they are $500,000 or more. This can be a hardship for poorer school districts that do not have funding to invest while waiting for reimbursements. Additionally, service providers do not want to start building projects without funding in place and they are reluctant to invest their funds while waiting for reimbursements. To solve this problem, we suggest applicants in unserved or underserved areas should not have a limit imposed for the non-recurring charges in any one funding year.

One way a "catch up" process could be implemented within the program is to change the levels and definitions of funding priorities. Priority 1 would be Broadband including Internet access. Priority 2 would be Basic Telecommunications services such as phone lines and long distance charges while removing paging and cellular services from this category rate (unless this was the primary source of basic telephone service, i.e., not allowing for duplicative service). By providing only the basic telephone services to be supported by E-rate, the focus will be on the deployment and sustainability of broadband access. Priority 3 would be Email (removing web hosting as a category) and Priority 4 would be Internal Connections. By removing Basic Maintenance of Internal Connections from this category, more funding can be disbursed to applicants in the lower funding thresholds who have been left behind in the past.

Another consideration would be to prioritize funding by a defined amount of kilobit per student. In schools where bandwidth does not meet this defined level, the school would be identified for priority funding. This would ensure that larger schools have the bandwidth levels that are necessitated by their size. Ideally 40 kb per student would be the threshold. This amount is supported

and reflected in the Kentucky Education Network Bandwidth Report.

(http://ken.ky.gov/NR/rdonlyres/474FB4CB-DDDE-4D96-9C31-781DA5B66725/0/Talkingpointsv3.pdf)

b. It is obvious that the "two out of five" rule for Internal connections funding is not working to reduce funding thresholds. We recommend changing this rule to allow schools to receive funding only one year out of five in order to allow for funding levels to reach more applicants.

We also recommend removing Basic Maintenance of Internal Connections as eligible for discounts. Applicants will have more of a stake in what they purchase if they are responsible for the maintenance. Additionally, they will plan their networks for efficiency rather than "gold plating" their networks because they are 90% discount funded school. Overall, West Virginia has received little funding for basic maintenance of internal connections. The schools and Counties have been successfully providing their own support for these internal connections through local and state funding.

c. Currently state networks are under the burdensome task of compiling onerous consortia applications, gathering data relating to information that is generally already submitted to USAC by applicants through their own local applications. Due to their size, consortia applications are in review for a longer period of time than school and district applications. To streamline the review process, it is recommended that the review of local applications should apply to the content of the consortia discount calculation section of the E-rate application. This would avoid duplication of efforts in reviewing the same schools on two or more applications. By developing an application platform that shows entities' review statuses and feeding into the system a "green flag" of those that have already passed review, this process could be streamlined. The only circumstance whereby a consortium should undergo Block 4 review would be if an entity was not reviewed on a on a local application.

d. The establishment by the Commission of a national broadband goal for schools or libraries could focus attention and funding towards broadband deployment. However, the goal must be set high enough to meet existing needs, as well as, include capacity for future growth.

e. The WVDE would recommend the modification on eligibility of Web hosting for providers offering services beyond basic web hosting as part of the package to decrease the burden on the fund. Currently, schools are being offered packages claiming up to 95% eligibility for web hosting. The costs of straight web hosting when compared to these costs are vastly disproportionate. Additionally, if the focus is to be on broadband, then this service is one that could be supported by schools utilizing free services, if necessary.

The second area would be changing Telecommunications to only Basic Telecommunications. This would cover basic telephone services and long distance and would exclude cellular services and paging rate (unless this was the primary source of basic telephone service, i.e., not allowing for duplicative service). These services appear to be a luxury that should not be financed by a program that is struggling to provide broadband services to the schools (it's main intended purpose) and can barely cover Internal Connections requests.

Another area for change or modification is Basic Maintenance of Internal Connections. Applicants are currently able to purchase what is, for all intents and purposes, a warranty on equipment and cabling at a set rate. At times, these maintenance packages are paid for and no services are ever provided. We believe that these plans should be banned from eligibility. If services are not provided, no cost should be levied on the applicant. Basic maintenance of internal connections is an area in which there can be a great deal of misuse based on lack of knowledge and understanding of the complex eligibility of certain items. For example, an eligible DHCP server is installed in a school where a well-intentioned teacher installs student folders for saving classwork

without knowledge of the district, creating an issue with the eligibility of the server, as well as, the maintenance of said server. The eligibility of equipment that is available to receive discounts for basic maintenance is a small percentage when compared to the arduous task of maintaining documentation of service – a lot of work for little return. We therefore believe that this service should be removed from the eligible services list and the burden of maintenance should be on the applicant.

13. E-RATE FUNDING

a. We concur with Senator Rockefeller's belief that the E-rate funding cap should be increased. The annual E-rate funding cap of $2.25 billion limits the extent of broadband deployment by eligible schools. The financial or programmatic implications of increasing the cap to fund additional services not currently covered by E-rate would also cripple this program where demand already exceeds funding when it comes to Internal Connections. If the intentions of the program that include Priority 2 funding are to be successful, the funding cap must be raised. With broadband demand increasing each year, as well as, costs related to those demands, funding left for Priority 2 dwindles. When more funds are spent on broadband through telecommunications providers, the funds will be brought back into the program as a result. By removing Basic Maintenance of Internal Connections from the eligible services list, more funding can go towards equipment purchase. We do not believe that it would be prudent to expand payment into the Universal Service Fund (USF) by ISPs or Priority 2 providers. This would cause further issues that would hinder the program as a whole. Indexing the cap based on inflation could potentially affect the program in the reverse if deflation were to occur, unless special protections were in place to avoid that. Generally, the WVDE has no position on the adjustment for inflation, but cautions the FCC to avoid the implications of deflation.

b. We believe that the questions above address our beliefs and ideas that relate to the proposal that the Commission modify its E-rate rules to encourage additional requests for funding for

broadband services under priority 1, and the subsequent impact on the availability of funding for priority 2 services. We reiterate that this would burden the fund and necessitate an increase in the funding cap in order to accommodate higher bandwidth needs and fund to levels to allow for fairness among the poverty levels.

c. In order to meet the needs of a country that should be doubling bandwidth and allowing for schools below 90% to be funded under Priority 2, it would appear that, minimally, doubling the cap would address this issue.

d. In regards to decreasing the discount levels for basic telecommunications, or otherwise modify the existing discount levels, to increase the amount of E-rate funds available for broadband deployment, we believe that streamlining eligibility may be more of a factor in reducing the burden on the fund.

e. Eliminating some of the services currently eligible and expanding eligibility to other services would result in greater levels of broadband connectivity. Allowing only basic telephone services and disallowing paging and cellular services to be subsidized by E-rate (unless this was the primary source of basic telephone service, i.e., not allowing for duplicative service) and by removing web hosting from the eligible services list (since many providers offer free to very inexpensive services for this currently), would focus funding for broadband deployment .

f. When looking at other costs not currently covered under the E-rate program that would be incurred if schools and libraries could purchase additional broadband capacity, we see the potential that schools and libraries have to upgrade routers and switches and potentially some cabling in order to meet the standards necessary to utilize high levels of bandwidth.

g. We believe that coordinating with federal or state agencies on grant programs that could supplement the Commission's E-rate program, for example, the United States Department of

Education's Enhancing Education Through Technology State Program would not be a viable means of provision of funding for schools; however, Federal Special Education and Title I funding may be a viable means if requirements for those programs were rewritten to allow for this. The clarification as to whether E-rate is federal funds would also impact this issue since these programs are both federal.

h. The FCC request for comment asked, "Alternatively, E-rate funds could be used in conjunction with funds from other entities to support broadband projects. For example, upon a state's recommendation, a particular project might be funded by having the state pay for the computers and training, and providing E-rate discounts for the broadband connection. Are there other specific ways the Commission could better leverage the benefits of E-rate funding through coordination with other federal, state, local or non-profit programs that seek to advance broadband deployment?" Currently, West Virginia provides legislative funding, under the Tools for Schools initiatives, for computers, training and some Priority 2 eligible equipment and services. For schools that are 80% and below, this may be the only means by which those schools are able to achieve the Internal Connections required to utilize bandwidth purchased with E-rate funds. This model may be one that the FCC may elect to use as an example of this type of state support.

CONCLUSION

The West Virginia Department of Education respectfully requests that the Commission consider these recommendations set forth in these comments.

Respectfully submitted,

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Appendix A: Examples of Technology Use in West Virginia Schools

While all educational locations need an increase in broadband (and at least 100MB to the schools), the following are elements that are systematically and systemically being addressed in West Virginia to restructure public schools. This current access information and the needs listed below justify the need for all schools to have a *minimum* of 100MB.

In addition to the collaboration with the West Virginia Department of Commerce on BTOP Infrastructure, some of the public K-12 schools/counties will apply for the BTOP Public Computing Centers and/or the Broadband Sustainability Adoption grants and E-rate.

The following is a list of examples of technology use in West Virginia schools:

- **practices to prepare students to be successful citizens in the 21st century global world**
- **21st Century Tools for 21st Century--integration of technology, hardware, software, professional development, access and technology support to public schools**
- **21st Century Assessments and Online Statewide Testing**
- **Techsteps--Online Technology Literacy Achievement Profiles for K-8 Grade Students**
- **Online Content Delivered Through Programmatic Initiatives to Support**
- **Rigorous Content and Student Achievement Standards**
- **Technology Integration Specialists**
- **West Virginia Virtual School Virtual Courses**
- **WVLearns Learning Object Repository**
- **Teach21 Resources**
- **Intel, SAS inSchool Curriculum Pathways, Thinkfinity Partnerships**
- **Online delivery of ongoing professional development in 21st century skills**
- **Data Analysis, Planning, and Process Design**
- **Communications, Security and Safety -- Schools and districts rely on bandwidth to ensure security and safety measures by operating security cameras, communications systems, IP telephony, in-school emergency systems, and identification systems**
- **Video Conferencing – Schools are using video conferencing for virtual field trips, distance learning courses and interactive projects with national programs such as NASA**
- **Heating, Ventilation and Air Conditioning -- Environmental conditions at many of the schools utilize bandwidth to efficiently operate and maintain equipment, use patterns, and environmental conversation. The bandwidth is critical for all schools to be able to manage these systems**

Appendix B: [E-rate Eligible Users Report]

In addition to the current eligible users of E-rate, allowances need to be made for eligible schools to serve parents and community for educational purposes. Where the eligible school incurs no additional cost for Internet access and there is no profit made on any of the educational services provided, eligible schools should be able to provide use for parents and community to meet any other school/district/state/federal mandates or regulations.

Should be eligible

Services that are immediate and proximate to the education of *students.*

	Title	Description
1.	College/Military Recruiters	Visiting college recruiters, military recruiters, etc., using the school's Internet over the school's T1 line in order to provide education/information to students.
2.	Contracted workers	Contract case workers Diagnosticians Professional Development/Technology trainers School Psychologists
3.	Contracted Physical Therapy for Students	Internet use by county contracted person or company that provides physical therapy to students to document or research student information.
4.	Contracted Private Company Educational Training (students)	For profit company that provides specific training otherwise not available to students and requested by the school or district. Eligibility of non-school district teacher using the Internet to instruct district students under contract.
5.	Dental Clinic	Primarily run by the teachers & students using computers owned by the dental practice.
6.	Educational consultants	Internet use by a county contracted educational consultant.

Appendix B: [E-rate Eligible Users Report]

Should be eligible

Services that are immediate and proximate to the education of *students.*

	Title	Description
7.	Health Care Agency Nurse	Shared health nurse with a local health agency. They access their mainframe information and data through the school's network. There is a contractual agreement.
8.	Health Care Clinic	Wellness Center that sees students and staff. Uses school telephone lines. In some cases, the Internet is used to communicate with the school when students are coming and going back and forth as a safety factor via communications with the school office. May access the wireless Internet access to update student records.
9.	School/Employee/Community Health Clinic	A school/employee/community health clinic located within a school and uses the school's Internet to connect to records in a remote office.
10.	Dual Credit/Vocational Classes for Students	Classes offered to high school students for Dual Credit or early entrance Credits. The students pay the course credit fee. The college pays the instructor and the school to rent the classroom(s). The computer labs in the school are used
12.	Installer/Technician	A person (not a county employee) to install or work on the computers. They need to download files.

Appendix B: [E-rate Eligible Users Report]

Should be eligible

Services that are immediate and proximate to the education of *students.*

	Title	Description
13.	Non-profit Program	After school program for students run by an outside agency contracted by the board.
14.	Parent technology training	School employees conduct technology training for parents in school computer labs.
15.	Parent technology training	Parents are trained to use the programs that their children use at school (e.g., EdLine, Odyssey, Internet programs) so that they can access these programs with their children at home using their own Internet access.
16.	Parent technology training	Parent and student in lab/library/counselor's office completing financial aid forms or researching colleges.
17.	Parent Volunteers	All schools, school libraries, etc.
18.	Police Resource Officer	Grant and school funded officers housed on school campuses.

Appendix B: [E-rate Eligible Users Report]

Should be eligible

Services that are immediate and proximate to the education of *students.*

	Title	Description
19.	Parent-Teacher Organizations	PTA/PTO using the Internet during meetings/conducting business in support of the school, students and/or teachers.
20.	Educational Service Agency Contractual Employees	Employees contracted through ESAs (teachers, nurses, psychologist, child nutrition directors, technology director, or computer repair technicians).
21.	Salespeople	Visiting sales people using the Internet during the process of conducting school business with the district/school. (ex: accessing corporate website, database, email, etc.
22.	Summer Reading Program	Run by a non-district group and uses a teacher who leads the program, along with college students to serve as reading/literacy mentors.
23.	Student Workforce Program	The program is for at-risk, low income students in which they try to prepare them for the workforce. Some work programs now have an academic component that may or may not involve the use of computers. Advisors not employed by school district.

Appendix B: [E-rate Eligible Users Report]

Should be eligible

Services that provide community educational opportunities—functioning in a manner similar to how a library would with no impact on student accessibility/availability and no increased cost.

	Title	Description
24.	Community Technology Instruction	Community computer classes for instruction in Internet safety, Microsoft Office use, etc. Covered under state community education
25.	Non-profit Program	Afterschool/Summer Non-profit Program with non-County employees serving Children and using the Internet and telephone. (Example: Boys & Girl's Club)
26.	School/Employee/Community Health Clinic	A school/employee/community health clinic located within a school using the school's Internet connection to connect to their remote office to access information and records.
27.	Evening Classes	School building used during the evenings to host classes at night using the computers and Internet.

Appendix B: [E-rate Eligible Users Report]

Should NOT be Eligible.

	Title	Description
1.	Credit Unions	Banks or credit unions in the schools or board offices
2.	Health Care Clinics (For-Profit)	Wellness Centers (For-Profit)
3.	Higher Education: Business Office	Office staff are not employees of the county school system. Receive Internet over the school's T1 line at this time.
4.	Recruitment for Community Jobs	Community and public using school video conferencing equipment to be interviewed/recruited for jobs. Example: the prison system.
5.	Wi-Fi Access to attendees of sporting event	Wi-Fi access to attendees of a sporting event on school property