

**Before the
Federal Communications Commission
Washington DC 20554**

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Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
for Friendship Public Charter Schools,)	January 14, 2011
Washington, DC)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	

Request for Review or Waiver

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, now comes Friendship Public Charter Schools (Friendship) before the Federal Communications Commission (Commission) requesting review or waiver of a Commitment Adjustment (COMAD) by the Universal Service Administrative Company (Administrator). This request comes before the Commission in a timely manner from the Administrator decision dated January 14, 2011.

Friendship Public Charter Schools
Billed Entity Number: 16039865
FCC Registration Number: 0016961252
Form 471 Number: 573474
Funding Request Number: 1584315
Commitment Adjustment: \$12,569.52

Background

Friendship Public Charter Schools applied for E-Rate discounts under the Schools and Libraries Support Mechanism (E-Rate) in fund year 2007. Friendship calculated discounts based on the total number of students attending classes at the various schools, including Pre-K students at the school that had Pre-K classes. During an audit it was revealed that Pre-K students are not eligible

to receive E-Rate funded services in the District of Columbia and the funding commitment must be adjusted to remove the ineligible Pre-K students.

Discussion

The E-Rate program was established to provide discounts on telecommunications, Internet access, and internal connections for schools and libraries. Elementary schools are defined as: "...a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law."¹ The Administrator is responsible for determining state law regarding eligibility of schools and non-traditional students and facilities. Non-traditional students and facilities include Pre-K, Juvenile Justice, Adult Education and Head Start.

To carry out its responsibility of enforcing eligibility of non-traditional schools and programs, the Administrator relies on a document provided by the Departments of Education from each state and territory. In the event the Department of Education does not provide the Administrator with the eligibility document, or there is some question regarding eligibility, the Administrator will flag the category "Not yet confirmed" and included here as Attachment A.

Given the fact that the Administrator relies on a single point of contact – the state Education Department – to determine the legal status of classes of students and facilities, mistakes will inevitably be made. Attachment A indicates Pre-K students and Head Start schools in the state of Georgia are not eligible for funding and Mississippi Not Yet Confirmed. The Commission has before it an appeal filed by Thomasville City Schools, Thomasville Georgia, showing Pre-K and Head Start students and facilities should be eligible for funding.² The Commission also has

¹ 20 U.S.C. § 7801(18) and (38)

² Request for review filed by Thomasville City Schools, July 27, 2009, CC Docket No. 02-6

before it a consolidated appeal filed by PACE Head Start, showing that Head Start students in Mississippi should be eligible for funding.³ Contrary to the Administrator table, both Georgia and Mississippi have statutes clearly providing for Pre-K and Head Start eligibility.

District of Columbia Statutes:

§ 38-271.01. Definitions.

For the purposes of this chapter, the term:

- (1) "Community-based organization" or "CBO" means Head Start and early childhood-education programs operated by a nonprofit or faith-based organization.
- (2) "Fund" means the Pre-k Program Assistance Grant Fund established by § 38-272.04.
- (3) "HEI program" means the Higher Education Incentive grant program established by § 38-274.01.
- (4) "HQ standards" means high-quality content standards and program requirements for pre-k programs established by the OSSE pursuant to § 38-272.01.
- (5) "OSSE" means the Office of the State Superintendent of Education, established by Chapter 26 of this title.
Best Section Begin
- (6) "Pre-k" means the educational gradation available to children of pre- **Search Term Begin kindergarten** Search Term End age for the 2 years prior to their eligibility for enrollment in **Search Term Begin kindergarten.** Search Term End
Best Section End
- (7) "Pre-k age" means children 3 or 4 years of age, and children who become 5 years of age after September 30th of the upcoming school year.
- (8) "Pre-k-education services" means the District-wide educational services provided to the publicly funded CBOs, District of Columbia Public Schools, and Public Charter Schools who provide pre-k care and education services to pre-k age children.
- (9) "Pre-k program" means a classroom or a group of classrooms serving pre-k children. A single organization or entity may operate multiple pre-k programs in different locations.

§ 38-271.02. Administration of Pre-k:

³ Request for Review, CC docket No. 02-6, filed by Peggy Answorth January 7, 2010.

- (1) Coordinate with the Interagency Collaboration and Services Integration Commission, established by § 2-1594, to ensure that eligible families can access coordinated support services for their children of pre-k age;
- (2) In regard to public charter schools, consult with the Public Charter School Board, established by § 38-1802.14, to ensure that the requirements and the goals of this chapter are met;
- (3) Establish facilities requirements for classroom expansion and quality improvement, to be utilized by the Office of Public Education Facilities Modernization, established by § 38-451, to complete the capital improvements and renovation of facilities;

§ 38-2807. District of Columbia public school funding [Formerly § 31-157].

The District of Columbia Public Schools should fully fund pre-kindergarten, full-day kindergarten, school counselors, and librarians.

Pre-K facilities are now and were at the time of this application eligible for funding under District law. Title 38, Subtitle I, Chapter 2A of District law empowers the Public Charter School Board to ensure charter schools meet the requirements and goals of the Pre-K Education System.

Friendship asks that the Administrator recognize Pre-K as eligible for Friendship in accordance with District law. The monetary impact on Friendship and District schools from this inaccurate determination could reach millions of dollars per year.

Conclusion

Based on the record, Friendship requests this Commitment Adjustment be overturned. The Administrator has failed to recognize the eligibility of Pre-K and Head Start students under

District of Columbia law. We ask the Commission to direct the Administrator to recognize Pre-K students and facilities as eligible to receive E-Rate discounted services.

Respectfully submitted this ninth day of March, 2011,

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G. Ulf Zeitler

CTO

Friendship Public Charter School

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