

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Modernizing the E-rate) WC Docket No. 13-184
Program for Schools and Libraries)

**INITIAL COMMENTS OF WASHINGTON STATE OFFICE OF SUPERINTENDENT
OF PUBLIC INSTRUCTION REGARDING
NOTICE OF PROPOSED RULEMAKING**

Washington State Office of Superintendent of Public Instruction submits the following comments in response to the FCC’s Notice of Proposed Rulemaking to modernize the E-rate Program for Schools and Libraries.

The Washington State Office of Superintendent of Public Instruction (OSPI) is the state’s department of education. The department has statutory oversight for our state’s 295 public K-12 school districts, located in over 2,200 school buildings. We serve more than 1 million students.

We recognize the great value of the E-rate program and provide the technical support districts need to maximize their discount advantage. At the national level, our staff are active in the State E-rate Coordinators’ Alliance, State Education Technology Director’s Association, Council of Chief State School Officers and the Education Information Management Advisory Consortium.

We appreciate the opportunity to comment on this important Notice of Proposed Rulemaking (NPRM) released by the Commission on July 23, 2013. We have begun our response with a list of basic principles we believe should govern E-rate reform. We follow with comments that relate

to areas of specific interest within Washington's K-12 school community.

Basic Principles for E-rate Modernization

1) Universal access to broadband is necessary to meet school reform and improvement goals.

These goals include the development of K-12 programming able to prepare all students for college and 21st century careers.

2) The demand for access to broadband is growing rapidly beyond the ability of schools to provide it, despite the cost advantage possible through the E-rate discount.

3) A modernized E-rate program must be less burdensome for schools, and aligned more effectively to current and future K-12 education priorities. There is also a growing need to help schools plan and budget for technology.

4) The E-rate program should incentivize consortium participation and collaborative bulk purchasing.

5) Today's demand for the cost benefit of the E-rate program exceeds available funding. Clearly, the amount of money available for schools must increase to meet state and local needs.

Comments Specific to Goals 1, 2 and 3 in the NPRM

Goal 1 Proposed (Broadband) Measurements (§22 through 40)

(§22) Relative to the target for broadband connectivity, the NPRM cites two widely publicized bandwidth metrics for connectivity speed. In our assessment, we think any targets take a short-term view and are dangerously limiting. We do not see any evidence that a *one-size-fits-all* bandwidth target will guarantee all schools and libraries can take advantage of high-speed connectivity *over the long term*. We would rather see the E-rate program funded sufficiently

each year to ensure that bandwidth is affordable regardless of speed.

(¶40) We oppose any rule change that would link the E-rate discount to student achievement: this not the intent or purpose of the program. Our experience has been that the strategic investment in network infrastructure made possible by the E-rate discount can act as a powerful medium for teaching and learning.

Goal 1 Funding for Broadband Connections (¶67 through 89)

(¶67-69) The Commission begins this section of the NPRM by asking: *Are fiber connections generally the most cost effective and future-proof way to deliver high-capacity broadband to community anchor institutions like schools and libraries?* We believe the answer is yes. Below is a pricing example from a small, rural district in Washington that demonstrates the pricing advantage of fiber optic cable.

	BW (Mb)	Cost of Service per Month	Cost of Service per Year	Annual Cost USAC (72%)	Annual Cost Applicant (28%)	Monthly Cost per Mb
T1 (qty 4)	6	\$ 3,627	\$ 43,527	\$ 31,340	\$ 12,188	\$ 605
Ethernet	100	\$ 1,344	\$ 16,128	\$ 11,612	\$ 4,516	\$ 13
Difference	94	\$ (2,283)	\$ (27,399)	\$ (19,728)	\$ (7,672)	\$ (591)

(¶79 to 82) We support rule changes that enable schools to purchase or build their own WAN when it is clear that this investment will increase efficiency and save money. We are familiar with situations in which the current prohibition on WAN ownership has led to higher costs for leased circuits. Self-ownership or ownership within a regional network of similar institutions has verifiable potential to generate substantial economies.

Goal 1, Part D Lowering New Build Costs and Identifying Additional Funding to Support Broadband to Schools and Libraries (§163 through 176)

(§172) We do not think that the proposed reductions in the discount matrix or elimination of services now eligible for funding will—on their own—enable the Commission to meet its proposed broadband connectivity goals. We think a permanent increase in the funding cap is needed and justified.

Goal 2, Part B Maximizing the Cost-effectiveness of E-rate Funds (§179 through 185)

(§182) We support rule changes that create a consortia-friendly application process. Currently, our staff spend an unreasonable amount of time responding to numerous requests from USAC reviewers for clarification on minor issues.

Goal 3, Part C Speeding Review of Applications, Commitment Decisions and Funding Disbursement (§233 through 247)

(§239) Our experience has been that applicants wait for months following the form 471 deadline to find out if their E-rate discount has been approved. (We understand that it was USAC's inability to complete application reviews by July 1 that prompted the Commission's development of the retroactive payment process or BEAR.)

We offer two suggestions:

- Commission develops an expedited review process for applications that request **\$5,000 or less**.
- Commission develops an expedited review process for the ***out* years on a multi-year contract**.

Goal 3, Part G Invoicing and Disbursement Process (§259 through 265)

(§261) We support a rule change that would revise the funding disbursement process so that applicants who use the BEAR payment process can receive direct reimbursement from USAC. The current process demands that applicants get their service provider's signature on the Form 472, which adds a time-consuming layer of complexity to the program.

Comments Specific to Other Outstanding Issues in the NPRM

Other Outstanding Issues (§270 through 329)

Part A The Children's Internet Protection Act (§271 through 275)

Our position on CIPA compliance is as follows:

- CIPA applies to E-rate funds used for Internet access or internal connections.
- CIPA applies to devices owned by the school.
- CIPA does not apply to devices owned by students or staff.
- CIPA applies to devices owned by the school when such devices are used in an E-rate eligible location.

Nothing prevents a school from enforcing a more restrictive filtering policy. Local policy can apply to the example in paragraph 275 of a student using a tablet with an Internet access data plan: *For example, if a student uses a tablet with an Internet access data plan, the school could seek E-rate support for the portion of the cost of the data plan used on-campus, but not for the portion used off-campus. Should the CIPA requirements only apply when the computer is used on campus, because the school is not seeking E-rate support for the off-campus portion of the cost of the data plan?* We believe decisions related to filtering on school-owned devices that leave the campus should be a local decision, not one mandated by federal law.

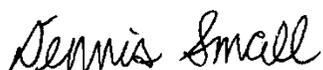
Part D Additional Measures to Prevent Waste, Fraud and Abuse (§294 through 275)

(§295) We disagree with the suggestion that the Commission extend the current five-year document retention requirement to ten years.

(§298) We disagree with the suggestion that the Commission require applicants to submit all documentation related to all bids received for services, as part of the applicant's Form 471 submittal. This will create a substantial burden on schools and libraries. We believe that this kind of rule change moves the E-rate program toward greater complexity, not simplicity.

If you have any questions or need more information about Washington state's response to *Modernizing the E-Rate Program for Schools and Libraries, WC Docket 13-184*, please contact me at dennis.small@k12.wa.us or 360-725-6384.

Sincerely,

A handwritten signature in black ink that reads "Dennis Small". The signature is written in a cursive, slightly slanted style.

Dennis Small

Educational Technology Director, Information Technology Services

Washington State Office of Superintendent of Public Instruction