

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**EDUCATION COALITION REPLY COMMENTS**

*Council of Chief State School Officers  
Foundation for Excellence in Education  
Alliance for Excellent Education  
Chiefs for Change  
International Association for K-12 Online Learning  
Knowledge Alliance  
National Alliance for Public Charter Schools  
Clayton Christensen Institute for Disruptive Innovation*

November 8, 2013

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The Education Coalition<sup>1</sup> respectfully submit these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking seeking to review and modernize the E-Rate program.<sup>2</sup> The Coalition is heartened by the unprecedented response from such a broad cross-section of stakeholders.

Hundreds of commenters filed comments in this proceeding. This significant participation reflects widespread support for the FCC’s efforts to modernize E-Rate for 21<sup>st</sup> century learning. Many entities that do not frequently participate in Commission rulemakings – state departments of education, school districts, public charter schools, and individual schools – set forth thoughtful and comprehensive comments on the importance of providing the U.S. educational system with the broadband connectivity needed for digital learning materials, models, and technologies.<sup>3</sup> The comments submitted describe the educational reform efforts

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<sup>1</sup> Coalition Members include The Council of Chief State School Officers, Foundation for Excellence in Education, Alliance for Excellent Education, Chiefs for Change, International Association for K-12 Online (INACOL), Learning, Knowledge Alliance, the National Alliance for Public Charter Schools, and the Clayton Christensen Institute for Disruptive Innovation.

<sup>2</sup> Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, *Notice of Proposed Rulemaking*, FCC 13-100 (rel. July 23, 2013) (“*E-Rate NPRM*”).

<sup>3</sup> See, e.g., State of Alaska Department of Education & Early Development Comments; Los Angeles Unified School District Comments; Kansas State Department of Education.

underway and the evolving technologies helping drive such change. This record underscores the importance of quickly taking action to modernize the E-Rate program. Digital learning and high-speed broadband offer students unprecedented educational opportunities, and the Commission should seize this opportunity to transform E-Rate to support Internet connectivity in schools and help enable new learning models.

## INTRODUCTION AND SUMMARY

The Coalition supports the following key reforms suggested by commenters, which should be incorporated into the Commission's broader E-Rate modernization efforts.

- ❑ **Speed Target.** Establish a simple speed target for the E-Rate program that should be a benchmark for schools and libraries, not a mandate or fixed requirement.
- ❑ **Priority Funding.** Eliminate the existing priority system that limits schools' ability to receive support for in-school network infrastructure. The E-Rate program should be focused on broadband-related services and a simplified eligible services list.
- ❑ **Streamlined Program.** Simplify and streamline the program by eliminating unnecessary procedures and transitioning to a wholly online program.
- ❑ **Multi-Year Contracts.** Permit schools to receive support for contracts up to 5 years in length to increase certainty, simplify program administration, and help reduce costs.
- ❑ **Consortia Applicants.** Eliminate existing disincentives to consortium participation by simplifying and streamlining consortium application processing, including prioritized review by dedicated review personnel. Going forward, the FCC should prioritize consortium funding and provide an additional 5 percent consortium-specific discount.
- ❑ **State Procurement and Contracting.** Provide a more inclusive path for applicants to take advantage of statewide contracting and bulk buying opportunities. Eliminate the need for duplicative competitive bidding obligations by increasing reliance on state and local procurement laws.
- ❑ **Support for Mobility.** Expand school boundaries and digital learning opportunities by incorporating the LOGO pilot program into E-Rate and establishing a new WiFi pilot program for school buses.

- **Reform in Early 2014.** Move forward decisively, no later than the first quarter of 2014, to modernize and streamline the E-Rate program. The time to act is now: a point that the record emphatically evidences.

## **I. COMMENTERS STRESS THE TRANSFORMATIVE POWER OF DIGITAL LEARNING**

Educational reform efforts and technological advances drive the need for an E-Rate reboot. The record demonstrates that digital learning presents a large-scale opportunity to develop educational systems that are more productive for students and teachers by personalizing education, thereby ensuring that the right resources and interventions reach the right students at the right time.<sup>4</sup> SETDA explains that from coast to coast, in rural communities and in major cities, digital learning enables a fundamental redesign of instructional models with the goal of accelerating learning toward college and career readiness.<sup>5</sup> U.S. Department of Education Secretary Arne Duncan has recognized this potential, calling technology a “force multiplier” in the educational system.<sup>6</sup>

Digital learning models integrate technology to boost learning and leverage talent. In the past few years, digital learning resources have exploded. With this evolution from print to digital, flat and often dated content evolves into adaptive and engaging learning experiences. By 2020, most U.S. schools will fully incorporate instructional technology into their structures and schedules, using predominantly digital instructional materials. As McGraw-Hill Education explained, “effective implementation of educational technology requires that each school has the right devices, exceptional content, teacher support, and robust and persistent broadband.”<sup>7</sup>

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<sup>4</sup> Education and Libraries Networks Coalition Comments at 11-12.

<sup>5</sup> SETDA Comments at 6-7.

<sup>6</sup> Remarks of U.S. Secretary of Education Arne Duncan, “The New Normal: Doing More With Less,” American Enterprise Institute (Nov. 17, 2010), <http://www.aei.org/files/2010/11/17/20101117-Arne-Duncan-Remarks.pdf>.

<sup>7</sup> McGraw-Hill Education Comments at 5.

Digital learning is not merely a layer of technology on top of the educational status quo: The learning day and year will be transformed and extended. Learning will be more personalized. The reach of effective teachers will be expanded.

The potential for providing greater opportunity is strongest in rural America.<sup>8</sup> Vermont explains that while all of its schools have “some access to ‘broadband,’” “[t]he rural locations of many of Vermont’s schools” means “most of those connections lack the speed to support multiple classrooms and devices sufficiently for the most robust learning environment possible.”<sup>9</sup> Absent the ability of rural educators to leverage instruction, curriculum, and training from online resources, policymakers face the real risk of a new rural/urban achievement and opportunity gap. More broadly, our nation’s national competitiveness is dependent upon a fully digital literate workforce that digital learning can help ensure.<sup>10</sup>

## **II. THE COMMISSION SHOULD TAKE A COMMON SENSE APPROACH TO GOALS AND SPEED TARGETS**

The record supports the Commission setting a national speed goal as a target, not a fixed requirement, ceiling, or floor.<sup>11</sup> From educational publishers<sup>12</sup> and equipment manufacturers<sup>13</sup> to school districts<sup>14</sup> and network providers,<sup>15</sup> commenters recognized the importance of setting sufficient bandwidth targets. Any district appropriately preparing for the shift to digital learning

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<sup>8</sup> See Iowa Department of Education Comments at 6.

<sup>9</sup> Vermont Department of Education Comments at 1.

<sup>10</sup> NAESP Comments at 1-2.

<sup>11</sup> See e.g., City of Philadelphia Comments at 2; Sunesys Comments at 4-5; Clark County School District Comments at 1; Communications Workers of America Comments at 4-5.

<sup>12</sup> McGraw-Hill Comments at 8.

<sup>13</sup> Cisco Comments at 15-17.

<sup>14</sup> State of Arkansas Comments at 6.

<sup>15</sup> Verizon Comments at 8-14.

needs to place high-speed broadband connectivity at the top of their checklist, and it is important for the FCC to set out aspirational and achievable benchmarks.

ConnectED and SETDA's target of 100 Mbps per 1,000 users for schools, increasing to 1 Gbps per 1,000 users by 2020, is the most comprehensive and fulsome in the record and drew widespread support.<sup>16</sup> Based on data it is collecting, the FCC will need to determine which target – SETDA's or another target– is most appropriate to help inform schools as to the broadband requirements necessary for an educational system supportive of digital learning. For example, the targets recommended by Cisco (1 Gbps per 2,000 students by 2014, increasing to 4 Gbps per 2,000 students in 2018) also warrant consideration.<sup>17</sup> As reflected on the record,<sup>18</sup> it is critical that the target not become a one-size-fits-all approach: each school and school district must make its own assessment based on its own needs and digital learning efforts, as well as consideration of student population, geographic location, and the state of the broadband market in that area.<sup>19</sup>

If applicants fail to achieve a speed target set on the Commission's timetable, the FCC should not impose sanctions. Nor should the Commission impose a funding condition on the ratification of the national speed goal by states, as some parties proposed.<sup>20</sup> Numerous parties in

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<sup>16</sup> SETDA Recommendation at 2. *See also* South Carolina K-12 School Technology Initiative Comments at 5; Partnership for 21<sup>st</sup> Century Skills Comments at 2; GE Foundation Comments at 3; Communications Workers of America Comments at 4-5.

<sup>17</sup> Cisco Comments at 15-17.

<sup>18</sup> *See* Philadelphia School District Comments at 5; West Virginia Department of Education Comments at 9.

<sup>19</sup> Kentucky Department for Libraries & Archives Comments at 3; Imperial County Office of Education Comments at 15-16; Education Coalition Comments at 14; EdLiNC Comments at 18.

<sup>20</sup> SETDA Comments at 17-18.

the record recognize that the FCC can encourage high-capacity connectivity without relying upon impractical or inflexible mandates.<sup>21</sup>

Relatedly, states,<sup>22</sup> school districts,<sup>23</sup> charter schools,<sup>24</sup> and educators across the nation<sup>25</sup> – in sparsely populated rural regions<sup>26</sup> and large urban areas<sup>27</sup> – all agree on the need for additional E-Rate funding. Demand for voice and broadband connectivity has exceeded the funds available in almost every year since the program began.<sup>28</sup> Recognizing that higher end user charges will result from any significant expansion, the Commission should explore reform-based cost savings as it modernizes the E-rate program. The Commission should evaluate funding issues once it can reasonably estimate the amount of funding necessary to help schools met the Commission’s speed target.

### **III. COMMENTERS AGREE ON THE NEED TO REFOCUS THE E-RATE PROGRAM ON BROADBAND CONNECTIVITY TO SUPPORT DIGITAL LEARNING EFFORTS**

The record reveals widespread support for reforming and streamlining the E-Rate program around promoting broadband connectivity. The FCC should begin the process of

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<sup>21</sup> State of Alaska Department of Education & Early Development Comments at 2-3; Wisconsin Department of Public Instruction Comments at 2-3; West Virginia Department of Education Comments at 6, 9.

<sup>22</sup> Alabama State Department of Education Comments at 10; California Department of Education Comments at 6; Iowa Department of Education Comments at 10.

<sup>23</sup> Council of the Great City Schools Comments at 2-4; Houston Independent School District Comments at 1-2.

<sup>24</sup> National Alliance for Public Charter Schools Comments at 1.

<sup>25</sup> Los Angeles Unified School District Comments at 6; National Association of State Boards of Education Comments at 1-2.

<sup>26</sup> State of Alaska Department of Education & Early Development Comments at 11; South Dakota Department of Education Comments at 21.

<sup>27</sup> City of Boston Comments at 6; City of Philadelphia Comments at 2.

<sup>28</sup> See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd 8776, 9054-55 ¶¶ 529-31 (1997).

transitioning E-Rate from a voice-focused program to a broadband-centric enabler of digital learning as soon as possible.

*Recasting the Priority System.* The record demonstrates the current priority system fails to provide predictable support for needed broadband infrastructure. Further, it suffers from paperwork complexities and perverse incentivizes for purchasing decisions, as parties such as the Weslaco Independent School District explained.<sup>29</sup> Technological advances have also muddled the distinction between some existing Priority 1 and Priority 2 services.

Examining the record, a clear objective emerges: the FCC should provide educators the flexibility needed for applying E-Rate funds on the components of their networks where additional support is required to support digital learning, particularly in the classroom.<sup>30</sup> The internal infrastructure – routers, inside wiring, and network access components – critical to providing connectivity within buildings is currently considered a Priority 2 service (and goes unfunded for too many schools). Given the increasing need for additional bandwidth and connections, the increasing prominence of 1:1 initiatives, and the infrastructure cost savings from WiFi deployment,<sup>31</sup> this in-school infrastructure should be prioritized going forward, just as the broadband connection to the school is today.

In response, the Coalition is sympathetic to proposals that would eliminate the priority system altogether,<sup>32</sup> and give educators and administrators the maximum flexibility to support whatever services their educational needs require. This “whole networks” approach has merit.

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<sup>29</sup> Weslaco Independent School District Comments at 10.

<sup>30</sup> See Iowa Department of Education Comments at 5-6; Funds for Learning Comments at 5-6; Comcast Comments at 15; City of Boston Comments at 5-6.

<sup>31</sup> The LEAD Commission estimates that “WiFi networks have reduced the cost of internal connections by 44 percent.” LEAD Commission Comments at 7.

<sup>32</sup> See, e.g., New York City Department of Education Comments at 4; Weslaco Independent School District Comments at 10.

Indeed, in a perfect world, all applicants would receive their requested level of E-Rate funding, removing the rationale for a prioritization mechanism altogether.

If not prepared to move fully towards a “whole networks” approach, the Commission should, at a minimum, recalibrate the priority system to focus on deploying and upgrading broadband Internet connectivity and internal connections. As numerous parties explain in advocating for shifting the priorities,<sup>33</sup> high-speed bandwidth to a school building only improves digital learning to the extent those facilities have the internal infrastructure capable of delivering that connectivity to classrooms, teachers, and students. Educators in California and Iowa have proposed such a new priority system, and the Commission should further explore proposals like those that designate all broadband-related services as Priority 1.<sup>34</sup> Under the California/Iowa approach, a new Priority 1 category could include: (1) Internet access and data connections services; (2) internal connections, including routers, switches, communications cabling, servers, firewalls, and wireless access points; (3) maintenance of those internal connections; and (4) related services such as e-mail and web hosting.

*Deemphasizing Services Unrelated to Broadband Connectivity.* Entities such as the California Department of Education explain that E-Rate’s overriding goal must be meeting schools’ growing broadband and infrastructure needs to support digital learning. We agree. Some non-essential services, like paging, can be eliminated immediately.<sup>35</sup> Other services present harder challenges. A number of parties in the record thoughtfully and comprehensively detail the necessity of retaining some level of voice support, at least for some period of time.<sup>36</sup>

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<sup>33</sup> Utah Education Network Comments at 11; Kansas Department of Education Comments at 3.

<sup>34</sup> Cf. Iowa Department of Education Comments at 5-6; California Department of Education Comments at 6-7.

<sup>35</sup> BIA/BIE Comments at 4.

<sup>36</sup> California Department of Education Comments at 6; State of Arkansas Comments at 15.

The Commission should carefully consider how to balance the budgetary expectations tied to continued support for voice services with the need to direct finite funds towards broadband. If the FCC were to eliminate voice support, a rational and predictable phase-out process would be critical to minimize disruptions and allow for budgetary adjustments.<sup>37</sup> The Commission should also closely review potential compromise proposals that would not defund, but would simply give lesser priority to services—like voice—not directly related to broadband connectivity.<sup>38</sup>

*Streamlining and Updating the Eligible Services List (“ESL”).* Comments filed indicate broad support for streamlining the ESL,<sup>39</sup> and the Commission should heed that advice. Simplifying and updating the ESL will reduce administrative complexity, encourage wider program participation, and may help drive down costs.

#### **IV. THE FCC SHOULD STREAMLINE THE ADMINISTRATION OF THE E-RATE PROGRAM AND PROVIDE SUPPORT FOR MULTI-YEAR CONTRACTS**

The NPRM recognized the need for “improving the efficiency and administration of the [E-Rate] program.”<sup>40</sup> Comments filed amplified that need, as parties highlighted “delays in funding commitments,”<sup>41</sup> “denial[s] of funding,”<sup>42</sup> and “staggering” amounts of required data submissions.<sup>43</sup> Together, these inefficiencies dis-incentivize “schools with limited staff capacity

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<sup>37</sup> See NCTA Comments at 10-11; Weslaco Independent School District Comments at 8.

<sup>38</sup> See Iowa Department of Education Comments at 5-6; see also Utah Education Network Comments at 12.

<sup>39</sup> Alabama State Department of Education Comments at 10; State of Arkansas Comments at 11-12; California Department of Education Comments at 7.

<sup>40</sup> *E-Rate NPRM*, ¶ 11.

<sup>41</sup> Cox Communications Comments at 11.

<sup>42</sup> California Department of Education Comments at 4.

<sup>43</sup> METLA Comments at 7.

to participate”<sup>44</sup> and force the allocation of limited resources to address these administrative burdens.<sup>45</sup>

***A Fully Online Program.*** Encouragingly, there is strong support across all stakeholders to streamline and move the application process online. This support reflects the growing consensus that the E-Rate application process must be more streamlined, less resource-intensive, and provide more certainty to all applicants in a timelier manner.<sup>46</sup> The challenges of the current application process are well documented: for instance, the Government Accountability Office – describing the “burdensome nature of program participation” – reported that a significant percentage of E-Rate participants found the filing process difficult.<sup>47</sup>

To rectify such issues, the Commission should adopt SECA’s proposed centralized application portal and move the application review process online.<sup>48</sup> Similarly, the Vermont Agency of Education advocates correctly that the application for E-Rate funds should be conducted entirely online – from submitting forms, processing, to the final reporting.<sup>49</sup> Other commenters agree, noting that an online portal will also provide greater certainty to applicants, allowing schools to track a submission’s status and determine the cause of application delays.<sup>50</sup>

***Support for Five-Year Contracts.*** One of the simplest steps the Commission can take is to provide applicants the certainty and simplicity of multi-year funding. The record clearly

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<sup>44</sup> NAIS Comments at 2.

<sup>45</sup> NASBE Comments at 2.

<sup>46</sup> Alabama State Department of Education Comments at 10; San Diego County Office of Education Comments at 4; National Education Association Comments at 9-10. *See also* EdLiNC Comments at 26.

<sup>47</sup> Government Accountability Office, Long-Term Strategic Vision Would Help Ensure Targeting of E-rate Funds to Highest-Priority Uses 29-43 (March 2009).

<sup>48</sup> SECA, SECA’s Recommendations for E-Rate Reform 2.0 at 17-19 (June 2013).

<sup>49</sup> Vermont Agency of Education Comments at 4.

<sup>50</sup> National Education Association Comments at 9.

supports E-Rate funding for contracts up to five years in length, which is consistent with other procurement models in the education industry.<sup>51</sup> Extending the length of contracts would bring significant benefits, from incentivizing greater participation in the vendor community to enhancing schools' budget and planning processes. It also can encourage a more thoughtful and future-looking approach to the E-Rate program by avoiding year-by-year technology and funding decisions. As the record shows, multi-year contracts could also enable additional incentives for investments in rural areas<sup>52</sup> and facilitate a quicker application review process.<sup>53</sup>

**V. THE FCC SHOULD PROMOTE CONSORTIUM PARTICIPATION AND ENCOURAGE STATEWIDE CONTRACTING AND PROCUREMENT OPTIONS**

The Commission should facilitate the formation and active participation of E-Rate consortium and eliminate the costly disincentives to consortia participation in the program today. The need for consortium-focused reform was near universal from educators in states like Alabama and cities like San Diego to carriers like AT&T and education groups like Education SuperHighway.<sup>54</sup> Similarly, the E-Rate program should better incorporate—and take advantage of—statewide contracting and procurement opportunities to leverage the significant potential cost savings of these bulk buying opportunities.

***The Benefits of Consortium Participation.*** Consortia applications represent a fiscally responsible approach to limited E-Rate funds and can increase competition and leverage

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<sup>51</sup> California Department of Education Comments at 16; *see also* State of Arkansas Comments at 25.

<sup>52</sup> California Department of Education Comments at 16.

<sup>53</sup> E-Rate Central Comments at 8.

<sup>54</sup> Alabama State Department of Education Comments at 14-15; AT&T Comments at 10; EducationSuperHighway Comments at 30; San Diego County Office of Education Comments at 5.

economies of scale, particularly in more rural school districts.<sup>55</sup> As the LEAD Commission recognizes, the U.S. should not fall behind other countries' efforts to achieve a level of scalability that more effectively advances digital learning opportunities.<sup>56</sup> Consortia help enable that level of scalability. The rise of consortia in other facets of digital learning—be it devices or digital curricula—underscores the benefit of this approach.

Further, the practical reality is that greater state engagement through consortia can also help provide IT and network planning/technical support that many smaller school districts and charter schools do not have the expertise or resources to provide. The current program frustrates the ability of states to take a more robust leadership role in helping schools address today's technological challenges. Consortia can play an outsized role in rural areas, as Florida's three regional consortia represent "some of the most rural [areas] in the state."<sup>57</sup> The sheer complexity of modern, fully integrated digital learning solutions necessitates a more specialized IT infrastructure that states can help provide if given the opportunity to participate more actively.

Many California charter schools noted in their comments that the current application process does not allow new charter schools with the option of projecting free and reduced price lunch data in time for the application deadline.<sup>58</sup> However, this practice is permitted for traditional school districts. We encourage the Commission to ensure this option is available to charter schools as well. Encouraging consortia would also help charters to project free and reduced price lunch in time for the application deadline, ensuring a level of equity

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<sup>55</sup> Iowa Department of Education Comments at 11-12 (noting that most Iowa schools participate in a state and a regional consortia application, which results "in lower costs for the districts and schools" and "additional state funding to cover non-E-rate funded costs and access to consortia-based technical expertise.")

<sup>56</sup> LEAD Commission Report at 9-10.

<sup>57</sup> Florida Department of Management Services Division of Telecommunications Comments at 8.

<sup>58</sup> National Alliance for Public Charter Schools Comments at 3.

with traditional school districts. Even incentivizing charter schools to participate in a consortium of charters in their state would allow them to leverage assistance from others in what is widely viewed as a very complicated process.<sup>59</sup>

We agree that the Commission should not mandate consortia participation as some commenters cautioned.<sup>60</sup> It is, however, difficult to defend the current structure that actively discourages participation despite the significant programmatic benefits flowing from consortium participation identified in other universal service programs.<sup>61</sup>

***Eliminate Disincentives to Consortia Participation.*** The Commission should first eliminate existing disincentives for consortia applicants, particularly the needless delay and uncertainty applicants face today. The record paints an unflattering picture of an E-Rate structure that discourages consortia applications<sup>62</sup> and unfairly punishes large applicant groups for isolated and small application issues.<sup>63</sup> Reform offers a chance to remove existing barriers for consortia applications and at least place these applications on a level playing field to offer schools a viable vehicle for pooling purchases and achieving cost savings. Specifically, as commenters proposed, the Commission should prioritize consortium applications in the review process<sup>64</sup> and allocate dedicated and specially trained consortium reviewers to ensure the review process is conducted in a timely manner.<sup>65</sup> Similar changes to the review and audit processes

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<sup>59</sup> See National Alliance for Public Charter Schools Comments at 3.

<sup>60</sup> E-Rate Central Comments at 10; Iowa Department of Education Comments at 11-12.

<sup>61</sup> Rural Health Care Support Mechanism, *Report and Order*, 27 FCC Rcd 16678, 16681 (2012).

<sup>62</sup> American Library Association Comments at 23-24 (noting that one consortium was subject to a post-application review process “so onerous and time consuming that the consortium disbanded).

<sup>63</sup> State of Arkansas Comments at 20; Funds for Learning Comments at 48-49 (noting, for instance, that a problem with one consortium member can tie up the review of an entire application).

<sup>64</sup> Sunesys Comments at 8.

<sup>65</sup> Internet2 Comments at 19-20.

should ensure that consortium and individual schools are subject to the same average length of review. All of these changes could—and should—be implemented immediately. The Commission should also conduct outreach to emphasize the elimination of historic roadblocks to consortium participation.

***Incentives to Consortia Participation.*** Commenters demonstrate the benefits of the limited consortia participation: decreased costs, improved network reliability and functionality, and new digital learning outcomes to school districts across the country.<sup>66</sup> The Commission should work proactively to try to replicate this success on a national scale.

The record reveals a number of proposals meriting Commission consideration. For instance, consortia applications should be funded first at each priority level with a consortium-specific process, where applicable.<sup>67</sup> The Commission should also adopt an additional five percent consortia discount, as advocated in the record.<sup>68</sup> This is particularly important if the Commission modifies the existing discount structure, and a larger consortia-specific discount (*i.e.*, 10%) may be warranted if the discount matrix is modified significantly. The Commission should further explore the idea, raised by the Iowa Department of Education, that a modest level of E-Rate funding be provided to state-level services as an administrative fee for managing state consortium, administering the application process for the state, and providing technical and network planning support.<sup>69</sup>

***State Procurement and Master Contracts.*** The current E-Rate procurement rules are disconnected from state and local procurement and statewide contracting efforts. This additional

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<sup>66</sup> Iowa Department of Education Comments at 11-12.

<sup>67</sup> EducationSuperHighway Comments at 30; Florida DMS-DT Comments at 11.

<sup>68</sup> *See* E-Rate Provider Services Comments at 10 (suggesting a consortia-wide discount); State Consortia Group Comments at 3-4.

<sup>69</sup> Iowa Department of Education Comments at 12.

layer of complexity discourages the use of statewide contract options under E-Rate, which could help reduce costs.<sup>70</sup>

Within the limits of any applicable federal procurement requirements, the Commission should institute a “good faith” deference to state procurement rules and regulations, and allow applicants to rely on state and local bidding rules to the greatest extent possible.<sup>71</sup> As the Council of the Great City Schools explains, “Since there is very little coordination between the state and federal requirements, applicants encounter greater complexities and difficulties when they have to meet local procurement regulations, state law, and the mandates of the E-Rate’s competitive bidding process, even though no additional safeguards result.”<sup>72</sup> The Kansas State Department of Education noted that “conflicting situation[s]” result from “requiring compliance with state/local procurement rules and FCC E-Rate procurement rules.”<sup>73</sup> Layering additional federal mandates – in the form of E-Rate specific competitive bidding rules – upon more than sufficient existing state and local procurement regulations and laws represents an unnecessary and duplicative administrative burden.

Similarly, applicants can use state master contracts to “procure cost-effective products and services” to overcome a lack of “financial and administrative resources needed to perform formal procurement operations.”<sup>74</sup> The Commission can facilitate broader use of state master contracts by exempting applicants that use such contracts and agreements from E-Rate

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<sup>70</sup> As noted above, state master contracts do not always provide the most cost-effective solutions, and school districts, consortium, and other eligible entities should retain the flexibility to seek services through their own bidding process. METLA Comments at 23.

<sup>71</sup> See State of Alaska Department of Education & Early Development Comments at 16; Iowa Department of Education Comments at 11-12; American Library Association Comments at 24.

<sup>72</sup> Council of the Great City Schools Comments at 12-14.

<sup>73</sup> Kansas State Department of Education Comments at 7.

<sup>74</sup> South Carolina K-12 School Technology Initiative Comments at 8; see also San Diego County Office of Education Comments at 5.

procurement rules, as Florida DMS-DT suggested.<sup>75</sup> The Commission should also make administrative changes to procedures that currently frustrate the ability of applicants to incorporate services from statewide master contracts into their E-Rate funded networks.<sup>76</sup>

## **VI. E-RATE SHOULD RECOGNIZE THE BENEFITS OF ALL-DAY CONNECTIVITY TO LEARNING**

Commenters underscore that digital learning is an all-day opportunity. While connectivity to the classroom is certainly a core component of any technological solution, students need the ability to access learning opportunities at home, at after-care, or in transit to/from school. As the State of Idaho recognized, “[i]n a 21<sup>st</sup> Century classroom that is not limited by bell schedules, walls or other physical constrictions ... students have the opportunity to learn beyond the school day.”<sup>77</sup>

The National Broadband Plan concluded that E-Rate should support mobile devices and off-campus connectivity.<sup>78</sup> In 2003, the Commission acknowledged that education extends off campus.<sup>79</sup> Ten years later, “as America’s demand for and reliance on wireless broadband services has been growing dramatically,”<sup>80</sup> the E-Rate program should incorporate mobility’s increased role into today’s educational experience.

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<sup>75</sup> Florida DMS-DT Comments at 15.

<sup>76</sup> E-Rate Central Comments at 8.

<sup>77</sup> State of Idaho Reply Comments at 1.

<sup>78</sup> Federal Communications Commission, National Broadband Plan at 239.

<sup>79</sup> Sch. & Libraries Universal Serv. Support Mechanism, *Second Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd. 9202, 9208-09 ¶ 19 (2003) (explaining “in certain limited instances, the use of telecommunications services offsite would also be integral, immediate, and proximate to the education of students or the provision of library services to library patrons, and thus, would be considered to be an educational purpose”).

<sup>80</sup> Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket No. 13-238, *Notice of Proposed Rulemaking*, ¶ 2 (rel. Sept. 26, 2013).

Commenters in this proceeding agree. The Los Angeles Unified School District explained that all students need full mobility.<sup>81</sup> The Houston Independent School District urged the FCC to consider fully funding wireless broadband access on and off campus.<sup>82</sup> These comments reflect the recognition that online learning and blended learning models enable teaching and learning to occur at any time and place, as long as a broadband connection is available. All students deserve the education opportunities presented by mobile connectivity, and inaction will only further increase a growing digital divide and potentially limit the ability of schools serving low-income communities from rolling out fully digital learning curricula.<sup>83</sup>

Recognizing the continual learning opportunities presented by mobile devices, states and school districts across the country are increasingly deploying mobile solutions and devices.<sup>84</sup> In Iowa, about one-third of school districts have deployed 1:1 laptop initiatives.<sup>85</sup> The Mooresville Graded School District in North Carolina began phasing in laptops across grades 4 to 12.<sup>86</sup> Off-campus connectivity is too often the missing piece of these promising initiatives, and the FCC should use this proceeding to help address that connectivity gap.<sup>87</sup>

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<sup>81</sup> Los Angeles Unified School District Comments at 9.

<sup>82</sup> Houston Independent School District Comments at 3.

<sup>83</sup> See, e.g., Corey Murray, The Digital Divide Was Supposed to Be Closing. But Is It? EdTech (Feb. 28, 2013), <http://www.edtechmagazine.com/k12/article/2013/02/digital-divide-was-supposed-be-closing-it>.

<sup>84</sup> Education Coalition Comments at 27-29.

<sup>85</sup> Digital Learning Now, Funding the Shift to Digital Learning: Three Strategies for Funding Sustainable High-Access Environments at 5 (2012), <http://digitallearningnow.com/wp-content/uploads/2012/08/DLN-Smart-Series-Paper-1-Final.pdf>.

<sup>86</sup> *Id.* at 6.

<sup>87</sup> The Commission should similarly continue to work to expand existing public/private partnerships promoting broadband adoption and focus greater resources on ensuring all school-aged children have access to broadband.

Specifically, the FCC should incorporate the successful Learning on the Go (“LOGO”) pilot program into the E-Rate program permanently,<sup>88</sup> as comments in the record suggested.<sup>89</sup> The applicants funded by this pilot project in 2011-12 found numerous benefits: 24/7 learning opportunities, improved student achievement, enhanced student confidence in math skills, improved assessment scores, and increased interest in college, among others.<sup>90</sup> However, demand for these limited funds far outstripped supply: the FCC received 94 applications requesting \$37 million,<sup>91</sup> while the program only funded 20 projects with a total of \$9 million. The Coalition recognizes the potential budgetary challenges of expanded mobile access in the E-Rate program, and encourages the Commission to provide a vehicle for mobile connectivity within E-Rate consistent with its broader objectives.

The Commission should also consider the creation of a pilot program for Wi-Fi connectivity on school buses.<sup>92</sup> Commenters noted that Internet connectivity on buses allows students across the country, particularly in rural areas, to extend the promise presented by digital learning.<sup>93</sup> The stark reality is that many schoolchildren are on buses for more than an hour a day,<sup>94</sup> and digital connectivity could transform those rides into learning opportunities.

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<sup>88</sup> E-rate Deployed Ubiquitously 2011 Pilot Program, *Order*, WC Docket No. 10-222, DA 11-1181 (July 11, 2011).

<sup>89</sup> Competitive Carriers Association Comments at 2, 7-12; Harvard Graduate School of Education Comments at 1.

<sup>90</sup> Comments of San Diego County Office of Education, CC Docket No. 02-6, WC Docket No. 10-222.

<sup>91</sup> E-rate Deployed Ubiquitously 2011 Pilot Program, *Order*, WC Docket No. 10-222, DA 11-1181 (July 11, 2011), ¶ 4.

<sup>92</sup> Iowa Department of Education Comments at 6-7.

<sup>93</sup> Qualcomm Comments at 6; SETDA Comments at 19.

<sup>94</sup> Iowa Department of Education Comments at 6.

The E-Rate program rules should also provide a viable opportunity for new types of schools, including online schools, to benefit from E-Rate funding.<sup>95</sup> A non-traditional classroom structure should not inhibit the ability of administrators to develop technology-dependent education models or deprive such schools of critical federal support. The uncertainty facing such new models can have the unintended consequence of creating an artificial hurdle for local educator leaders to explore and adopt these innovative learning approaches.

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<sup>95</sup> Florida Virtual School Comments at 1.

## CONCLUSION

By reforming the E-Rate program, the Commission can seize this once-in-a-generation opportunity to help unlock the potential of digital learning and help address educational equities. E-Rate, as currently constituted, is simply insufficient to meet the broadband requirements of today's students and schools, particularly in rural areas. Either federal policy will accelerate reforms that support digital learning models or it will inhibit adoption of these promising new models of teaching and learning. We are hopeful that the Commission's leadership, buoyed by the growing consensus behind common sense modernization of E-Rate, will transform the program in early 2014.

Respectfully submitted,

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November 8, 2013