Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Wireline Competition Bureau Seeks Focused Comment on E-rate Modernization	)	WC Docket No. 13-184
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COMMENTS OF THE MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL, THE RAINBOW PUSH COALITION, AND THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

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EXECUTIVE SUMMARY

Last year, none of the $2.4 billion in E-rate funds that was distributed to schools and libraries was designated to support the deployment of internal connections such as Wi-Fi networks. The Minority Media and Telecommunications Council, the Rainbow PUSH Coalition and the League of United Latin American Citizens (collectively "MMTC") believe that as part of its aggressive reform of the E-rate program, the Federal Communications Commission ("FCC") should address this failing of the current funding mechanism, and either eliminate the outdated distinction between priority one and priority two services which effectively excludes funding for internal connections like Wi-Fi, or dedicate a significant portion of E-rate funding for the deployment and expansion of internal connections in low-income urban and rural schools. The lowest-income schools should also be entitled to annual E-rate subsidies for internal connectivity until they have reached 100% broadband penetration in all classrooms.

The performance of a Wi-Fi network is inherently dependent on the speed and capacity of the underlying wired broadband connection. The FCC has reported that it has identified an additional $2 billion in E-rate funds that it can disburse over the next two years to support high-speed, high-capacity broadband deployment. These funds should immediately be allocated to support the deployment of fiber-to-the-door for all high-discount rate schools. Deploying fiber to the nation's poorest schools will "future proof" these institutions and allow them to continue to provide their students with powerful connectivity even as class sizes grow, new technologies emerge, or E-rate subsidies wane. The FCC's goal should be to get all schools to the starting line, rather than allowing the most under-resourced schools to fall farther and farther behind.

Like schools, libraries should also benefit from the shift in focus of E-rate funding away from legacy technologies and toward supporting high-capacity broadband. Libraries are a

critical source of broadband access for low-income students, and for the surrounding communities, and should be eligible for the same support for internal connectivity and fiber deployment as schools.

Finally, the FCC should designate funds to support an E-rate pilot program, or programs, involving partnerships between eligible schools and libraries and local community-based organizations and other entities. The FCC should permit institutions receiving E-rate funding to open their Wi-Fi networks up to allow community technology centers to make use of subsidized high-capacity broadband after hours and on weekends. A program that provides local access to high-capacity broadband for students, their families, and members of the community could serve as a laboratory to close the digital divide and increase local involvement in improving digital literacy and broadband adoption, without imposing additional costs on the E-rate program.

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I. INTRODUCTION

The Minority Media and Telecommunications Council ("MMTC"), the Rainbow PUSH Coalition and the League of United Latin American Citizens (collectively "MMTC") respectfully submit these comments in response to the *Public Notice* issued by the Wireline Competition Bureau of the Federal Communications Commission ("FCC" or "Commission") in this proceeding.[1] In the *Public Notice*, the FCC seeks focused comment on several issues raised in the *E-rate Modernization Notice of Proposed Rulemaking* ("*E-rate Modernization NPRM*")[2] that merit further inquiry, including: (1) how best to focus E-rate funds on high-capacity broadband, especially high-speed Wi-Fi and internal connections; and (2) whether the Commission should authorize new demonstration projects or experiments as part of the E-rate program.[3]

MMTC is pleased that the FCC continues to move forward aggressively with E-rate reform, and strongly supports the Commission's commitment to sharpening the focus of the E-

[1] Wireline Competition Bureau Seeks Focused Comment on E-rate Modernization, WC Docket No. 13-184, *Public Notice*, DA 14-308 (rel. Mar. 6, 2014) ("*Public Notice*").
[2] Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, *Notice of Proposed Rulemaking*, 28 FCC Rcd 11304 (2013) ("*E-rate Modernization NPRM*").
[3] *Public Notice* at ¶¶ 1-4.

rate program to ensure that its basic goal of providing high-capacity broadband to schools and libraries is met. As part of the overall reform of the E-rate program, the FCC should prioritize funding for low-income urban and rural schools to install or expand internal connections in classrooms; provide targeted funding for fiber connections to these schools to increase baseline speed and capacity; allocate funds to assist libraries to better serve their diverse populations; and provide funding for new pilot projects that encourage partnerships between schools and libraries and local community-based organizations and other entities that utilize the full capacity of E-rate supported Wi-Fi networks after school hours and on weekends.

II. THE FCC SHOULD REFORM THE E-RATE PROGRAM TO PROVIDE FUNDING FOR INTERNAL CONNECTIONS

In the *Public Notice*, the FCC notes that numerous commenters responding to the *E-rate Modernization NPRM* identified support for internal connections as "one of the program areas where modernization is most urgent and most important," and seeks comment on how to improve mechanisms for funding Wi-Fi and local area networks ("LANs") going forward.[4] MMTC continues to believe that the FCC should eliminate the distinction between priority one and priority two services and collapse E-rate support into a single fund to provide high-capacity broadband connections—including internal connections—to eligible entities. However, if the Commission decides to maintain prioritized funding categories, it should ensure that low-income urban and rural schools receive the targeted funding they need to implement interconnectivity in the classroom. Moreover, regardless of how E-rate funds are allocated, no reform to expand access to internal connectivity should impose additional administrative burdens on under-resourced schools.

[4] *Public Notice* at ¶ 6.

A. The FCC Should Eliminate the Outdated Distinction between Priority One and Priority Two Services.

The FCC seeks comment on whether it should change the current priority two funding category by allocating a separate pool of E-rate funds for LANs and Wi-Fi networks.[5] MMTC believes that the FCC should eliminate altogether the distinction between priority one and priority two services.[6] In MMTC's comments in response to the *E-rate Modernization NPRM*, we argued that maintaining this outdated and artificial division between funding categories has several negative implications for schools. First, the prioritized funding structure creates inherent uncertainty in technology planning, as schools have no way of knowing if their priority two requests will be funded from year to year.[7] Second, prioritized funding sets up an unnecessary roadblock to deploying internal connections in school buildings, as requests for priority two support, including Wi-Fi, are granted inconsistently and then only to applicants with the highest discount rates.[8]

MMTC continues to believe that the artificial distinction between priority one and priority two services should be eliminated entirely to better target access to high-capacity broadband for all schools, and especially those serving low-income urban and rural students. The *Public Notice* notes that in most funding years, there have only been sufficient funds to provide priority two services to schools and libraries in the highest bands of the discount matrix.[9] In fact, Chairman Wheeler recently announced that in 2013, for the first time ever, no funding was available to support internal connections after funds for priority one services were

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[5] *See id.* at ¶ 10.
[6] *See* Comments of the Minority Media and Telecommunications Council, WC Docket No. 13-184 at 15-18 (filed Sept. 16, 2013) ("MMTC Comments").
[7] *See id.* at 16.
[8] *See id.*
[9] *See Public Notice* at ¶ 9.

allocated.[10] This means that out of the $2.4 billion the FCC spent last year on the E-rate program, no funds were allocated to providing Wi-Fi for even the neediest schools.[11] The FCC should eliminate the E-rate prioritized funding structure, and in so doing remove an administrative obstacle to providing our schools with the funding they need to get high-capacity broadband to every classroom and to every student.

B. Low-Income Urban and Rural Schools Should Receive Targeted E-rate Funding for Internal Connections.

Even if the FCC maintains a distinction between priority one and priority two funding, the Commission should ensure that low-income urban and rural schools receive the targeted funding they need to implement interconnectivity in the classroom. As proposed in the *Public Notice*, the FCC could accomplish this by creating a separate E-rate funding category dedicated to supporting internal connectivity.[12]

The Obama Administration and FCC have both named access to high-capacity broadband in the classroom as a critical part of their vision for the future of education. A key component of the Administration's ConnectED initiative is the commitment to connect ninety-nine percent of America's students to high-speed wireless deployment in schoolrooms and library buildings within five years,[13] and the FCC has repeatedly expressed its desire to develop a mechanism to

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[10] Remarks of Tom Wheeler, Chairman, Federal Communications Commission, Council of Chief State School Officers Legislative Conference at 2 (Mar. 17, 2014), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0317/DOC-326083A1.pdf (last accessed Mar. 31, 2014) ("Wheeler CCSSO Comments"); *see also* Trent Harkrader, Associate Chief, Wireline Competition Bureau, "From the Wall to the Desk: Facilitating 21st Century Digital Learning," FCC blog (Feb. 20, 2014), *available at* http://www.fcc.gov/blog/wall-desk-facilitating-21st-century-digital-learning (last accessed Apr. 1, 2014).
[11] *See* Wheeler CCSSO Comments at 2.
[12] *See Public Notice* at ¶ 10.
[13] The White House, "ConnectED: President Obama's Plan for Connecting All Schools to the Digital Age," Fact Sheet (June 6, 2013), *available at* http://www.whitehouse.gov/sites/default/files/docs/connected_fact_sheet.pdf (last accessed Apr. 1, 2014).

increase the availability of Wi-Fi in classrooms.[14] There are clear advantages to ensuring that high-capacity broadband is available in every classroom, and not just through a hard-wired connection in a designated computer lab. Technology-based instruction relying on e-readers or similar devices can reduce the time students take to reach a learning objective by anywhere from thirty to eighty percent.[15] In addition, technology in the classroom increases student engagement, leads to richer, more personalized classroom experiences, and serves as an equalizer "by ensuring access to a full range of tools, resources, content and courses regardless of zip code or socioeconomic status."[16] Content-rich media is increasingly a critical part of classroom instruction, and transitioning to digital learning in the classroom will provide our students with more vibrant, engaging, and up-to-date content.[17] As the FCC notes, Wi-Fi has transformed computing and education, and its presence in the classroom gives rise to one-on-one educational opportunities that are more challenging to initiate with traditional wired connections.[18]

While universal classroom connectivity is a laudable policy objective, much work lies ahead to achieve this goal. A study in the fall of 2013 found that only fifty-seven percent of elementary schools and sixty-four percent of secondary schools have wireless broadband connections in all of their student classrooms,[19] and over half of all school districts do not

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[14] *See, e.g.*, Julie Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, "Moving Forward on the E-rate Modernization Path," FCC blog (Mar. 6, 2014), *available at* http://www.fcc.gov/blog/moving-forward-e-rate-modernization-path (last accessed Apr. 1, 2014) (noting the "clear consensus that delivering 21st century broadband to schools and libraries requires an emphasis not just on broadband connectivity to buildings but also on the internal networking equipment that delivers broadband to every student and library patron device") ("Moving Forward on E-rate").
[15] The Digital Textbook Collaborative, "Digital Textbook Playbook" at 9 (Feb. 1, 2012), *available at* http://transition.fcc.gov/files/Digital_Textbook_Playbook.pdf (last accessed Mar. 31, 2014).
[16] *Id.* at 10.
[17] *See id.* at 11; *see also* Comments of the Council of Great City Schools, WC Docket No. 13-183 at 3 (Sept. 16, 2014).
[18] *See Public Notice* at ¶ 8.
[19] Education Networks of America et al., *Raising the BAR: Becoming Assessment Ready* at 21, *available*

believe that the wireless networks in their school buildings have the capacity to handle a one-to-one student-to-device deployment.[20] Moreover, as MMTC has previously noted, the challenge of classroom access increases as poverty rates rise, with teachers in the lowest-income schools the least likely to agree with the statement that their students have "sufficient access to the digital tools they need, both in school and at home."[21] No school should have to choose which students can have access to Wi-Fi in the classroom, and which subjects can be taught using a digital learning device. Dedicated E-rate funding to support internal connectivity is a critical part of the solution to this problem.

The FCC introduces various possible funding models in the *Public Notice* for disbursing designated E-rate funds to schools for internal connections. Proposed funding mechanisms include establishing a five-year "upgrade" cycle that would limit eligibility for funding for all schools to once every five years; rotating eligibility for funding until all schools have had a chance to accept or decline funding in at least one funding year; or making all schools eligible for some funding every year.[22] None of these funding mechanisms will accomplish the FCC's goal of deploying robust internal broadband connections in all classrooms. Limiting the poorest schools to receiving funding once every five years, to sit out funding cycles while other schools receive or decline funding, or to compete with all schools on an annual basis will prevent these schools from joining their better-financed peer institutions in expanding internal connections.[23] For under-resourced schools, the expenditures associated with deploying Wi-Fi connections

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at http://www.cosn.org/sites/default/files/pdf/RaisingTheBAR_WhitePaper_singlepg.pdf (last accessed Apr. 1, 2014) (free registration required).

[20] *See Public Notice* at ¶ 8.

[21] MMTC Comments at 3, *citing* Pew Research Center, College Board & National Writing Project, "How Teachers Are Using Technology at Home and in Their Classrooms" (Feb. 28, 2013) at 2, *available at* http://www.pewinternet.org/files/old-media//Files/Reports/2013/PIP_TeachersandTechnologywithmethodology_PDF.pdf.

[22] *See Public Notice* at ¶¶ 14-19.

[23] *See id.*

without an E-rate subsidy are simply too high. The FCC estimates that the cost of implementing one-to-one digital learning in the classroom ranges from $250 to $1000 per student per year, measured on a four year refresh cycle.[24] Moreover, in addition to the expense of infrastructure deployment, for many schools the cost of implementing or expanding LANs and Wi-Fi networks will include start-up fees, which could quickly exhaust an intermittent allotment of E-rate funds.

The FCC should instead create a designated E-rate interconnection fund that is targeted specifically at schools receiving the highest discount rate, and that front-loads the first funding year, or years, to bring low-income urban and rural schools up to the "starting line" with better-resourced schools.[25] Any funding mechanism adopted by the FCC must ensure that low-income schools receive prioritized funding *every* year until disparities in high-capacity broadband delivery, including the deployment of Wi-Fi networks, have been eliminated. This pool of E-rate support for internal connections could be allocated by discount rate, with schools with the highest discount rates receiving the highest amount of funding annually until they reach 100% deployment in their classrooms, and funding then cycling down to the group with the next-highest discount rate. E-rate funding is unlikely to ever be sufficient to provide full funding to all eligible entities, or even to provide partial support to all schools on an annual basis. Rather than trying to provide for all schools equally, the FCC should commit to ensuring that low-income schools are able to deploy internal connections that would otherwise be unaffordable.

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[24] *See* Digital Textbook Playbook at 12.

[25] *See Public Notice* at ¶¶ 13-22; *see also* Nicol Turner-Lee, "E-rate 2.0: Can America Win the Race to Capacity?" Broadband & Social Justice (MMTC) (Nov. 3, 2014), *available at* http://broadbandandsocialjustice.org/2013/11/e-rate-2-0-can-america-win-the-race-to-capacity/ (last accessed Mar. 31, 2014).

C. Reforms to the E-rate Program Should Not Give Rise to Additional Administrative Burdens.

In previous comments, MMTC noted that low-income schools, in particular, often lack the staff and infrastructure to monitor and assess the results of their participation in the administratively complex E-rate program.[26] In the *Public Notice*, the Commission again seeks comment on how best to minimize the administrative burdens and overhead associated with applying for and receiving E-rate support.[27]

No reform to the E-rate program should include additional administrative burdens on eligible entities—especially under-resourced schools—or raise the possibility of increased auditing or other compliance measures. As MMTC noted in our original comments, schools and libraries frequently report that they choose not to apply for E-rate support because the process is too time-consuming, complex, or resource-intensive.[28] While MMTC strongly supports the allocation of E-rate funds specifically for internal connections for schools with the highest discount rate, the benefits of this reform would be completely negated if the FCC imposed new administrative hurdles to applying for this funding, or established rules that could give rise to new forms of potential liability for errors in the application and deployment of such funding. The FCC should ensure that the application process for designated internal connection funding is straightforward and does not require the development of new types of application materials, or increase the potential for low-income schools to be subject to sanctions or a blanket denial of funding for inadvertent mistakes made in E-rate applications.

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[26] *See* MMTC Comments at 25.
[27] *Public Notice* at ¶ 38.
[28] *See* MMTC Comments at 25; *see also, e.g.*, Comments of the School District of Philadelphia, WC Docket No. 13-184 at 4 (Sept. 16, 2013) ("[T]echnical expertise and experience is a large factor that keeps many applicants from realizing the benefits of the E-rate program."); Comments of the New York City Department of Education, WC Docket No. 13-184 at 6 (Sept. 16, 2014) ("The E-Rate application process is arduous and complicated.").

III. THE FCC SHOULD ALLOCATE DESIGNATED E-RATE FUNDS TO INCENTIVIZE HIGH-CAPACITY FIBER BROADBAND DEPLOYMENT TO LOW-INCOME URBAN AND RURAL SCHOOLS

Internal connectivity is critically important; but for LANs or Wi-Fi networks to have any lasting impact in the educational experience of students, school buildings and libraries must be connected to high-capacity fiber. Any reforms by the FCC of the E-rate program must ensure that low-income schools, in particular, receive support to build out fiber connections that will serve as the foundation for all internal classroom connectivity.

The speed of an internal network is inherently dependent on a school's underlying wired broadband connection.[29] MMTC endorses the recent proposal by the U.S. Conference of Mayors that the FCC allocate a one-time increase in the E-rate fund to bring fiber connectivity to all schools, provided that this funding is targeted first to the poorest schools.[30] Deploying fiber to all of our schools, and especially those with the highest discount rate, will "future proof" our classrooms and ensure that bandwidth demands do not overwhelm them again after only a few years. The idea of subsidizing fiber deployment to all schools has broad support; for example, in a recent letter to the Commission an impressive collection of CEOs of American companies emphasized the importance of providing capital investment to connect school districts to high-speed fiber networks, which in turn will enable investments in Wi-Fi upgrades and "generate tremendous returns for both our students and the American taxpayer."[31] Members of Congress

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[29] As the FCC has noted, "all the Wi-Fi connectivity in the world does you no good if you don't have a high-speed connection to your school and library." *See* "Moving Forward on E-rate."

[30] Letter from Scott Smith, Mayor of Mesa, President, United States Conference of Mayors to Chairman Tom Wheeler, Federal Communications Commission, "Connecting Our Kids to Higher-Speed Learning Opportunities" (Mar. 17, 2014), *available at* http://apps.fcc.gov/ecfs/document/view?id=7521093862 (last accessed Mar. 31, 2014).

[31] Letter from Mike Jeffries, Chairman and Chief Executive Officer, Abercrombie & Fitch et al., to Chairman Wheeler, Federal Communications Commission, "ConnectED Initiative and E-rate Modernization," *available at* http://erate2.educationsuperhighway.org/ (last accessed Mar. 31, 2014).

agree; in a bipartisan letter to the FCC in 2013, twenty-six Representatives asked the Commission to "[c]reate an upgrade fund within the E-rate program to connect every school and library, particularly those in rural areas, to high-speed broadband."[32]

The need for support for fiber deployment to rural schools is higher than for urban schools, but remains pressing for both: forty-six percent of urban schools report having access to fiber technology, compared to thirty-eight percent of rural schools.[33] The costs for deploying fiber-to-the-door are likely to be highest for the rural and low-income schools least able to afford this expenditure without full support from the E-rate fund.[34] In its comments on the *E-rate Modernization NPRM*, the Iowa Department of Education noted that carrier infrastructure was not yet available in all parts of the state to meet local E-rate applicant demand, and that even when broadband was available, costs varied from $210 per month in more developed areas to $3735 per month in some rural portions of the state.[35] A study in Minnesota found that remote and/or rural school districts reported considerable difficulties in gaining access to infrastructure, with last-mile and end-of-the-road costs making high-capacity service cost-prohibitive.[36]

Absent dedicated E-rate funding for under-resourced schools, disparities in broadband access between affluent and low-income schools will continue to grow. In the *Public Notice*, the Commission notes that "even with the current levels of E-rate support, some schools and

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[32] *See* Letter from Jared Polis, Member of Congress, et al., to Chairman Wheeler, Federal Communications Commission, et al. at 2 (Dec. 18, 2013), *available at* http://polis.house.gov/uploadedfiles/e-rate_final.pdf (last accessed Mar. 31, 2014). As we noted in our previous comments, unless full funding for fiber build out is provided as part of E-rate funding, no school should be penalized for adopting a non-fiber based broadband infrastructure. *See* MMTC Comments at 7.
[33] *See* MMTC Comments at 6, *citing* Federal Communications Commission, 2010 E-Rate Program and Broadband Usage Survey: Report, 26 FCC Rcd 1, 2 (2011).
[34] *See Public Notice* at ¶ 28.
[35] Comments of the Iowa Department of Education, WC Docket No. 13-184 at 3 (Sept. 16, 2014).
[36] *See* Center for Rural Policy and Development, "Broadband Speeds in Minnesota's School Districts" at 5 (June 2010), *available at* http://www.ruralmn.org/wp-content/uploads/2010/04/schoolbroadband2010.pdf (last accessed Apr. 1, 2014) ("Broadband Speeds in Minnesota").

libraries cannot afford to pay their share of the cost of deploying last-mile high-capacity broadband."[37] As state education budgets continue to be cut, high-discount rate schools in particular need E-rate subsidies to afford fiber build out.[38] The Commission should earmark E-rate funds to get low-income schools up to speed, and adopt a disbursement mechanism for E-rate funds for deployment of fiber-to-the-door that gives funding priority to schools with the highest discount rate.[39] MMTC was pleased to hear that the FCC has identified an additional $2 billion over the next two years to help increase funding for high-capacity connections, which will allow at least 15,000 schools to connect to high-speed broadband networks.[40] These funds should immediately be deployed to accelerate fiber deployment to low-income schools.

The FCC also asks for comment on what broadband speed targets to use to measure success in deploying high-capacity broadband.[41] The applicable metric for measuring broadband availability in schools should be actual delivered speed to the classroom, not purchased speed. This is an especially critical distinction for low-income schools that purchase broadband connectivity as part of a district or other consortium. Although purchasing high-capacity broadband as a shared service may bring real cost-savings, it can come at the cost of reduced speeds during high-capacity periods.[42] The FCC should set an ambitious performance metric that will ensure that schools are receiving sufficiently high-capacity connectivity to

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[37] *Public Notice* at ¶ 25.
[38] More than half of all states are providing less funding per student for the current school year than they did before the 2007-2009 recession, and in 13 states FY2014 per-student spending remains more than ten percent lower than under 2008 budgets. Micheal Leachman and Chris Mai, "Most States Funding Schools Less than Before the Recession," Center on Budget and Policy Priorities (Sept. 12, 2013), *available at* http://www.cbpp.org/cms/?fa=view&id=4011 (last accessed Apr. 1, 2014).
[39] *See Public Notice* at ¶ 31.
[40] *See id.* at ¶ 7; *see also* "FCC to Invest Additional $2 Billion in High-Speed Internet in Schools and Libraries," Press Release (Feb. 3, 2014), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0203/DOC-325403A1.pdf (last accessed Apr. 1, 2014).
[41] *See Public Notice* at ¶ 30.
[42] *See, e.g.*, Broadband Speeds in Minnesota at 3.

accommodate growing class sizes and new educational applications that demand increasingly high bandwidth. The priority should be the delivery of speeds capable of meeting the Administration's ConnectED goals—so no student ever again has to worry that the network will crash if too many of her classmates push "Enter" at the same time.[43]

IV. THE FCC SHOULD ENSURE THAT LIBRARIES ALSO BENEFIT FROM E-RATE REFORMS

Like schools, libraries should also benefit from the shift in the focus of E-rate funding to high-capacity broadband, and be eligible for support for both internal connectivity and fiber-to-the-door build out.

Libraries are a critical source of broadband access for low-income communities,[44] and "[t]he role of public libraries in providing Internet resources to the public continues to increase."[45] Nearly eighty percent of all public libraries in the U.S. offer online homework resources, and a recent poll found that three-quarters of all Americans believe it is a "high priority" for libraries to serve as a place where teenagers can study and congregate.[46] Millions of students, mostly from low-income families, rely on libraries for after-hours computer and Internet access.[47] While libraries serve as a "second source" for students who need a broadband connection after school lets out, they are also a key community Internet access point. As

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[43] *See* Prepared Remarks of Tom Wheeler, Chairman, Federal Communications Commission, National Digital Learning Day, The Library of Congress at 3 (Feb. 5, 2014), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0205/DOC-325447A1.pdf (last accessed Apr. 2, 2014).

[44] *See, e.g.*, Urban Libraries Council, "Modernizing the E-rate Program to Support the Public Library Role in Lifelong Learning" (Feb. 2014), *available at* http://www.urbanlibraries.org/filebin/pdfs/E-rate_White_Paper.pdf (last accessed Apr. 2, 2014).

[45] American Library Association, The 2012 State of America's Libraries, *available at* http://www.ala.org/news/mediapresscenter/americaslibraries/soal2012/public-libraries (last accessed Apr. 1, 2014) ("2012 State of America's Libraries").

[46] American Library Association, "Sobering Statistics," *available at* http://www.ala.org/yalsa/sites/ala.org.yalsa/files/content/professionaltools/Handouts/districtdays_web.pdf (last accessed Apr. 1, 2014).

[47] *See id.*

discussed in our previous comments, sixty-two percent of libraries report that they are the only source of free access to computers and the Internet in their communities, and low-income households are significantly more likely than their higher-income households to view libraries as "very important" to them.[48]

At the same time that the public makes increasing demands on libraries' technology resources, libraries have struggled with the "new normal" of flat, or even decreased funding. Five percent more states cut library funding in the 2011-2012 budget year than in the previous budget year.[49] Nationally, sixteen percent of local libraries reported having to cut the number of days or hours they are open; and for the third year in a row the greatest impact was experienced by those living in urban communities, as nearly one-third of libraries in urban areas reported reductions in hours.[50]

There are signs that the situation may be improving for some libraries. Public funding for libraries that was cut during the recession is slowly being resumed, allowing libraries to lengthen hours and making it possible for them to serve more patrons in computer labs and on Wi-Fi networks.[51] However, while seventy percent of libraries reported increased use of public access computers, forty-five percent of libraries reported lacking sufficient Internet speeds to adequately serve their patrons.[52] Without more robust connections, longer hours and increased demand

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[48] *See* MMTC Comments at 3, *citing* Pew Internet & American Life Project, "Library Services in the Digital Age" (Jan. 22, 2013) at 18-19, *available at* http://libraries.pewinternet.org/files/legacy-pdf/PIP_Library%20services_Report.pdf.
[49] *See* 2012 State of America's Libraries.
[50] *See id.*
[51] *See, e.g.*, Ian Chant, "Proposed Budget Would Return Philly Libraries to Six Day Service," Library Journal (Mar. 14, 2014), *available at* http://lj.libraryjournal.com/2014/03/budgets-funding/proposed-budget-would-return-philly-libraries-to-six-day-service/#_ (last accessed Apr. 1, 2014); "Library Ramping Up for More Hours," DC Public Library (Sept. 23, 2013), *available at* http://dclibrary.org/node/37636 (last accessed Apr. 1, 2014) (noting that the District's fiscal year 2014 budget increased the library's budget by twenty-five percent, restoring library hours citywide for the first time since 2009).
[52] *See* 2012 State of America's Libraries.

could increase congestion problems, negatively affecting both students using the library for connectivity in the afternoons and evenings, and local residents who rely on the library for online government services and educational and employment opportunities. To maintain after-school broadband access for students, and to enhance general community Internet access, libraries should be eligible for the same E-rate support as schools, and subject to the same performance metrics.

V. THE FCC SHOULD SUPPORT NEW PILOT PROGRAMS INVOLVING PARTNERSHIPS BETWEEN ELIGIBLE SCHOOLS AND LIBRARIES AND LOCAL COMMUNITY-BASED ORGANIZATIONS AND OTHER ENTITIES

In the *Public Notice*, the FCC seeks further comment on providing discrete funding for time-limited demonstrations that would test different approaches to meeting the connectivity needs of schools and libraries.[53] The FCC should seriously consider adopting one or more new pilot programs that would allow an eligible school or library to use E-rate funds to provide wireless hotspots off school grounds in partnership with local community-based organizations and other entities.[54]

E-rate supported partnerships between schools and libraries and community organizations and other entities could provide critical access to broadband for low-income student populations to help improve academic performance. The literature provides strong support for a correlation between income and school performance that is only increasing. The achievement gap between children from high-income and low-income families is roughly thirty to forty percent larger among children born in 2001 than among those born twenty-five years earlier.[55] However,

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[53] *See Public Notice* at ¶ 56.
[54] *See generally* Reply Comments of the Minority Media and Telecommunications Council and the Rainbow Push Coalition, WC Docket No. 13-184 (Nov. 8, 2013).
[55] Sean F. Reardon, "The Widening Academic Achievement Gap between the Rich and the Poor: New Evidence and Possible Explanations" at 4 (July 2011), *available at*

access to technology has been shown to improve performance in many areas of academic study.[56] Students with access to high-capacity broadband during the school day should not be shut off from this vital resource after the last school bell rings, especially as the cost of continuing to provide Wi-Fi access outside of school hours will be minimal. E-rate supported pilot programs involving community hotspots could also serve as laboratories to close the digital divide and increase community involvement in improving digital literacy and broadband access. Any E-rate pilot program should be flexible, and encourage a continuous environment for access and learning for students and community members.

One possible model for a pilot project is offered by the 21st Century Community Learning Center ("21CCLC") initiative. The U.S. Department of Education created the 21CCLC program to support the creation of community learning centers to provide academic enrichment opportunities during non-school hours for students who attend high-poverty and low-performing schools.[57] The 21CCLC program requires that states, as the administrator of the grants, give priority to proposals that are submitted jointly by low-income school districts and community-based public or private organizations, after consultation and coordination with representatives of

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http://cepa.stanford.edu/sites/default/files/reardon%20whither%20opportunity%20-%20chapter%205.pdf (last accessed Apr. 1, 2014).

[56] *See, e.g.*, Anne Nelson, "Overcoming the Income Gap," ASCD Info Brief (Fall 2006), *available at* http://www.ascd.org/publications/newsletters/policy-priorities/fall06/num47/toc.aspx (last accessed Apr. 1, 2014) (noting that "technology-assisted instruction" can be correlated to student achievement, along with rigorous curriculum, teacher experience and attendance, teacher preparation, class size, and a safe school environment).

[57] *See* 21st Century Community Learning Centers, U.S. Department of Education, http://www2.ed.gov/programs/21stcclc/index.html (last accessed Apr. 1, 2014). The 21st Century Community Learning Centers program was authorized under Title IV, Part B, of the Elementary and Secondary Education Act, as amended by the *No Child Left Behind Act of 2001*. *See* "21st Century Community Learning Centers: Non-Regulatory Guidance," U.S. Department of Education, Office of Elementary and Secondary Education (Feb. 2003), *available at* http://www2.ed.gov/programs/21stcclc/guidance2003.pdf (last accessed Apr. 1, 2014) ("21CCLC Guidance").

teachers, parents, students and the business community.[58] 21CCLC locations may include public elementary or secondary schools, or "any other location that is at least as available and accessible as the school."[59] 21CCLCs cost an average of $126,000 annually per center, or approximately $595 per attendee.[60] A report assessing the program's results suggest this is money well spent. While all students have benefited, the lowest income youth attending 21CCLCs have demonstrated the greatest increase in after-school participation, while among all attendees math and reading scores improved by an average of thirty-five percent, homework and class participation improved by seventy-five percent, and classroom behavior improved by sixty-eight percent.[61]

MMTC proposes that the FCC designate E-rate funds to support a partnership with organizations that could include the League of United Latin American Citizens ("LULAC"), the Rainbow PUSH Coalition, or the National Urban League ("NUL") to establish community-based digital learning initiatives located either on school campuses or, as in 21CCLC programs, in other public locations that are at least as available and accessible as school buildings. These learning centers would have access to E-rate supported Wi-Fi provided to an eligible school or library. These organizations have local affiliates and partners in under-served, minority communities across the country and would bring considerable experience to organizing and running a 21CCLC-inspired program. LULAC, for example, is one of the oldest Hispanic civil rights organizations in the country, serving over 200,000 people nationally each year and with over 1,000 affiliates in various community partnerships. LULAC already operates a network of

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[58] *See* 21CCLC Guidance at 8-9, 14.
[59] *Id.* at 9.
[60] 21st Century Community Learning Centers, Afterschool Alliance at 3 (Aug. 2013), *available at* http://www.afterschoolalliance.org/21st%20CCLC%20Fact%20Sheet_08_23_2013.pdf (last accessed Apr. 2, 2014).
[61] *See id.* at 2.

sixty community technology centers that provide free broadband access and computer-related training to students, parents, and low-income individuals.[62] The NUL operates twenty-five national programs through its network of more than one hundred affiliates,[63] including dedicated computer labs offering no-cost technology training to local residents and after-school technology programs aimed at elementary through high school students.[64] Both of these community-based organizations are members of the Broadband Opportunity Coalition ("BBOC"), which is a partnership of national organizations committed to broadband adoption,[65] have broad reach and engagement in rural, urban and suburban America, and have both been strong advocates for E-rate modernization and expansion. These national organizations are well-qualified to quickly adapt the existing 21CCLC model, or their own technology programs, to incorporate free access to high-speed, high-capacity Wi-Fi supplied through the E-rate program to local schools and libraries, and used by community learning centers after hours and on weekends. Similarly, the Rainbow PUSH Coalition and their strong partnerships with community-based organizations and schools in Chicago, Illinois and throughout the District of Columbia could also easily serve thousands of E-rate beneficiaries through this type of pilot program.

While establishing a pilot program using E-rate funds to subsidize the provision of high-capacity Wi-Fi networks for an after-school center on school grounds or in a library building

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[62] *See* Empower Hispanic America with Technology, LULAC, http://lulac.org/programs/technology/ (last accessed Apr. 7, 2014). LULAC community technology center programs teach basic computing, web design, and networking; offer English as a Second Language and distance learning classes; provide assistance with college applications, resume writing, job applications, and immigration assistance.

[63] *See* National Urban League, http://nul.iamempowered.com/who-we-are/staff-departments (last accessed Apr. 7, 2014).

[64] *See, e.g.*, "The Urban League Technology Center to Become an ATTAIN Lab," Broome County Urban League, http://www.bcul.org/pressconference.shtml (last accessed Apr. 7, 2014); "Linking Youth to Technology Through Education (LYTE), Urban League of Central Carolinas, http://www.urbanleaguecc.org/page.asp?urh=LYTE (last accessed Apr. 7, 2014).

[65] *See* The National Urban League and the Broadband Opportunity Coalition, http://www.iamempowered.com/about-national-urban-league/policy-institute/state-black-america/national-urban-league-and-broadband (last accessed Apr. 7. 2014).

would be ideal, a community-based project that is located in a nearby public building in partnership with a local school or library that can access E-rate provided Wi-Fi should also be considered as part of a pilot project. One of the benefits of Wi-Fi is that it provides connectivity without a hard-wired connection, and the utility of high-capacity broadband networks in schools and libraries should not be artificially stopped at a campus edge or building wall. Providing E-rate funding for high-capacity broadband or Wi-Fi networks in these community learning spaces would allow the programs to offer not just homework assistance, tutoring, and test preparation, but also digital literacy education. This natural expansion of the E-rate program would allow limited funds to benefit even more people than their current deployment in classrooms and libraries.

VI. CONCLUSION

As part of its overall reform of the E-rate program, the FCC should allocate targeted funds for low-income urban and rural schools to install, or expand, internal connections to all classrooms, and earmark additional funds for these schools to obtain fiber broadband connections to increase their baseline speed and capacity. The Commission should also provide libraries with funding designated for improving both internal connectivity and to build out fiber-

to-the-door to better serve the students and community members who rely on this critical "second source" of broadband access. MMTC also encourages the FCC to fund a new pilot project, or series of projects, involving partnerships between schools and libraries and local community-based organizations relying on E-rate funded Wi-Fi networks, to expand the benefits of the E-rate program and digital literacy and adoption even further.

Respectfully submitted,

MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL
RAINBOW PUSH COALITION
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