

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

In the Matter of)	
)	WC Docket No. 13-184
Modernizing the E-rate)	
Program for Schools and Libraries)	CC Docket No. 02-6
)	

**REPLY COMMENTS OF THE
COUNCIL OF THE GREAT CITY SCHOOLS**

The Council of the Great City Schools is pleased to submit reply comments to the Public Notice seeking focused comments on modernizing the E-Rate Program for schools and libraries, released by the Federal Communications Commission on March 6, 2014. (WC Docket No. 13-184, CC Docket No. 02-6).

Introduction

The Council of the Great City Schools appreciates the opportunity to provide reply comments to the Commission’s Public Notice on E-Rate Modernization. The Council includes 67 of the nation’s largest urban school districts, which enroll over 7 million students, including approximately 25 percent of the nation’s Hispanic students, 30 percent of the nation’s African American students, and 25 percent of the nation’s children living in poverty. School districts in the Council collectively serve the nation’s highest numbers and concentrations of disadvantaged children, employ the largest number of teachers, and operate in the greatest number of outdated and deteriorating buildings.

As we stated in our original submission, we feel that sufficient evidence has been provided to the Commission in thousands of comments over the program’s life and through the annual demand for reimbursements to support a significant increase in the funding cap. The comments submitted during this rulemaking process are no different, as the single unifying theme is the need for additional E-Rate funding. Stakeholders from all education settings shared our position: reform is an important part of the E-Rate program, but the FCC must increase the amount of money available to fuel the overhaul and build upon the successes of the program. An increase in the annual funding cap is needed to help schools maintain their current operations, spur increased broadband capacity, and further the nation’s progress towards the ambitious goals laid out by the president.

Like others, we stressed that an increased annual cap is the only realistic way the Commission will meet the needs of all students in this country, both poor and non-poor. In the absence of additional funding, there was also strong support for continuing the E-Rate's focus on the poorest schools.

Focusing on the Poorest Communities

Historically shallow resources for inner city education have been helped with E-Rate reimbursements, but the job of wiring schools, deploying broadband, and modernizing the urban classroom is not nearly finished. Significant gaps still exist between urban schools and the average American school when it comes to technology, academic performance and funding equity. We remain concerned about insufficient funding, especially when coupled with proposals to create "widespread access" to E-Rate support. As we outlined in our original comments and references to legislative history, the E-Rate program was not created to serve all, but to target the most disadvantaged schools and libraries.

This focused perspective was voiced not only by the Council, but also by the Education and Libraries Networks Coalition (EdLiNC), a group comprised of organizations representing school districts throughout the nation, as well as teachers, principals, parents, libraries, and independent schools. The comments from this broad coalition echoed our concerns about the potential for diluted funding, and also referenced the fact that the foundation of the program is built on targeting funding to the neediest applicants. EdLiNC stated, "We assert the continuing vitality and importance of the E-Rate's focus on equity and poverty in distributing support and urge the Commission to maintain those key values as it modernizes the program." These comments were not the first time EdLiNC has cited the importance of the program's original intent. As the Commission began this process in 2013, the coalition's comments sought to, "remind the Commission that the goal of universal service was not to provide equitable resources to every school and library in the nation."

The Council is not a member of the EdLiNC coalition, but endorses their comments enthusiastically. We also highlight the joint comments submitted by the American Association of School Administrators (AASA) and the Association of Educational Service Agencies (AESA), organizations representing thousands of education leaders, mostly from rural and suburban areas. Despite the physical differences between our urban school district members and their rural ones, our two sets of comments both stressed the importance of keeping the program focused on the poorest communities and schools. AASA and AESA offered, "The E-Rate program was designed to connect schools and libraries on the basis of concentration of poverty, not fund individual children. Title I of the Elementary and Secondary Education Act (ESEA) is, like E-Rate, a program that allocates its funds in a manner designed to offset the effects of concentrated poverty."

Both urban and rural schools have significant technology needs, and as the pace of digital learning increases, the E-Rate's original goal of prioritizing funding for the poor and disadvantaged is more important than ever. Any changes made by the Commission must preserve this priority to ensure that the highest poverty schools throughout the country can not only

continue to keep their classrooms running, but also begin the delivery of essential next-generation education services, such as content-rich media, participation in online state assessments, blended learning, computer adaptive testing, individualized student learning objectives, and 1:1 computing practices.

Access to Funding

As we stated in our comments to the Public Notice, the Council appreciates the flexibility the Commission is exploring during its review of the E-Rate program. In terms of access to funding, however, we repeat our claim that a significant increase in the annual cap is the most appropriate way to provide funding for all schools in the nation. If the cap is not increased, the Public Notice's suggested options to widen access to funding do little to promote the equity intended in the Telecommunications Act. Putting the poorest schools and districts on hold during a five-year cycle, or asking applicants to wait through rotating eligibility, is not a sound policy for targeting poverty. Moreover, it has not proven to be an effective method for applicants seeking reliable funding sources for implementing a technology plan.

In either the rotating or once-in-five-years eligibility options, school districts serving high concentrations of disadvantaged students could face lengthy interruptions in their work to improve learning conditions for the beneficiaries intended by Congress. The ineffectiveness of such an approach was explained by the Chicago Public Schools (CPS), in comments submitted jointly with the city's Mayor and public library system, in stating, "...for large districts like CPS, upgrading requires flexibility and phasing of work across multiple funding years ... Limiting an applicant's ability to receive funding for internal connections to a single funding year until all other applicants have received support or declined the opportunity to seek funding will create uncertainty around requests and would drive schools and libraries to inflate their original requests."

Urban school systems were not the only ones rejecting such proposals. There are over 10,000 schools and more than 6 million students attending public schools in California, and both of these figures exceed 10 percent of the nation's respective totals. The state's Department of Education serves approximately 1,200 school districts, almost half of which (578 local educational agencies) are classified as either Rural or as Distant or Remote Towns by the National Center for Education Statistics (NCES). In their comments, the California Department of Education did not support the on/off funding cycles, expressing, "concerns about the predictability of the rotating eligibility approach. All districts have adaptive test requirements, and many districts have significant technological needs. These districts cannot wait for merely a chance at P2 funding in the next 2-3 years. They need to know with certainty before long-term budgets are drafted whether they can rely on federal funds to help equip their 21st century classrooms. If this model is used, it will decrease the predictability of the funding."

Even supporters of these proposals have doubts about such systems. The State E-Rate Coordinators Alliance supported the rotating eligibility option, yet still felt the need to, "point out some concerns that would need to be addressed should the FCC decide to proceed with this option." The Department of Public Instruction in Wisconsin supported the 1-in-5 approach, but

also had one major caveat when they stated, “The condition where applications at 60%, 50%, etc., will be rolled over into the following years appears to introduce some complexity and uncertainty. But it is important to emphasize that this rollover *only becomes necessary if there is not sufficient funding.*” The inadequate funding level is just one of the underlying concerns that urban schools expressed about these proposals, in addition to the delay, complexity, and uncertainty it will also add to the program.

The initial commenters to the Public Notice also consistently expressed apprehension about converting the E-Rate into a formula program, regardless of whether such an approach was actually called a formula, a block grant, budget, or funding cap. In our comments to the Public Notice, we reiterated our concerns with this approach, for a number of reasons that a broad array of stakeholders also shared and which the Commission is well aware. But we also acknowledged the Commission does have the ultimate decision to move the program in that direction. In these reply comments, we repeat our strong suggestion that any formula that is considered by the Commission be based not on the number of students in a school, but rather on the number of poor students.

In the Public Notice, the Commission proposed the following formula as a potential approach:

$$\text{Available Support} = \text{Greater of } \begin{cases} \text{Per – Student Allocation} \times \text{Number of Students} \times \text{Discount Rate} \\ \text{Per – Building Allocation} \times \text{Number of Buildings} \times \text{Discount Rate} \end{cases}$$

We don’t think that any calculation that includes “Number of buildings” should be part of the E-Rate, as poverty is not a factor, and further compounds the fact that elements such as the school’s enrollment size, age of the facility, or number of classrooms are disregarded. In order to ensure that a formula like the one above focuses funding on schools serving the disadvantaged and poor, we would calculate Available Support based on the “Number of Poor Students” rather than simply the “Number of Students.” This type of data point, when applied to the poverty-based discount rate, would help to ensure targeted E-Rate support for our nation’s most disadvantaged schools.

Another possibility for the Commission would be to use an existing federal formula, such as the Title I funding distribution developed by Congress and used by the U.S. Department of Education. In the Title I formula, two separate weighted totals are calculated for each district in the nation, based on either their number or percentage of children living in poverty. The higher of the two weighted totals is used to determine the final district allocation. The Title I total received by school districts is primarily based on each district’s share of national poverty, but also includes other factors that are important to the E-Rate’s founders, such as concentrations of poverty, regional education costs, and funding equity.

If the Commission decides that a formula approach is the way forward, we offer our assistance to help ensure that the program’s original intent – a focus on the most disadvantaged schools and communities – remains the core basis of the funding structure. However, the Council continues to discourage the Commission from embarking on a formula or block grant approach.

Conclusion

The Council supports the goals outlined in the Administration's ConnectED initiative, and continues to offer our support to help the Commission convert the proposal into policy. But we underscore that it has never been more essential for the Commission to ensure that high levels of E-Rate support remains available for urban schools to operate classrooms, modernize teaching and learning, and maintain their current pace of academic improvement. We must use this opportunity to build on the existing success of the E-Rate program and ensure our most disadvantaged students can benefit from modern instruction.

Respectfully Submitted,



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The Council of the Great City Schools is the only national organization exclusively representing the needs of urban public schools. Composed of 67 large city school districts, its mission is to promote the cause of urban schools and to advocate for inner-city students through legislation, research and media relations. The organization also provides a network for school districts sharing common problems to exchange information, and to collectively address new challenges as they emerge in order to deliver the best possible education for urban youth.

Member districts: Albuquerque, Anchorage, Atlanta, Austin, Baltimore, Birmingham, Boston, Bridgeport, Broward County (Ft. Lauderdale), Buffalo, Charleston County (S.C.), Charlotte-Mecklenburg, Chicago, Cincinnati, Clark County (Las Vegas), Cleveland, Columbus, Dallas, Dayton, Denver, Des Moines, Detroit, Duval County (Jacksonville), East Baton Rouge, El Paso, Fort Worth, Fresno, Guilford County (Greensboro, N.C.), Hawaii, Hillsborough County (Tampa), Houston, Indianapolis, Jackson, Jefferson County (Louisville), Kansas City, Long Beach, Los Angeles, Miami-Dade County, Milwaukee, Minneapolis, Nashville, Newark, New Orleans, New York City, Norfolk, Oakland, Oklahoma City, Omaha, Orange County (Orlando), Palm Beach County, Philadelphia, Pittsburgh, Portland, Providence, Richmond, Rochester, Sacramento, San Diego, San Francisco, Santa Ana, Seattle, Shelby County (Memphis), St. Louis, St. Paul, Toledo, Washington, D.C., and Wichita.