

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

In the Matter of)	
)	
Modernizing The E-rate Program)	
For Schools And Libraries)	WC Docket No. 13-184
)	
NOTICE OF PROPOSED RULEMAKING)	CC Docket No. 02-6
)	
)	
)	

**COMMENTS OF
MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS)
REGARDING THE
NOTICE OF PROPOSED RULEMAKING**

FCC 13-100

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I. SUMMARY and INTRODUCTION

Miami-Dade County Public Schools (M-DCPS) submits these reply comments in response to the Notice of Proposed Rulemaking (NPRM), released July 23, 2013.¹ In this Notice, the Federal Communications Commission (FCC) has initiated “a thorough review and update of the E-rate program building on reforms adopted in 2010 as well as the Commission’s reforms of each of the other universal service programs.”² As well, the Commission has identified comprehensive Universal Service Fund (USF) reform and seeks to upgrade the E-rate program (more formally known as the schools and libraries universal service support mechanism).

This Notice of Proposed Rule Making, commonly referred to as the NPRM (In the Matter of Modernizing the E-rate Program for Schools and Libraries), seeks comment on several potential reforms to the E-rate program, including “high-capacity broadband connectivity,”³ and accentuates President Obama’s announced ConnectED initiative aimed at connecting all schools to the digital age.” Additionally, among several other key elements, this NPRM has focused on three other main areas of interest⁴:

1. Ensuring schools and libraries have affordable access to 21st Century broadband that supports digital learning;
2. Maximizing the cost-effectiveness of E-rate funds; and
3. Streamlining the administration of the E-rate program.

M-DCPS welcomes the opportunity to file these comments to address issues relating to the Schools and Libraries, E-rate program. The funds received from this federal program have consistently been used at M-DCPS to significantly enhance the quality of education provided to our students. Unfortunately, as the capped funds have dwindled over the years, M-DCPS firmly believes that change is needed, thus an evaluation of current program guidelines is paramount. Since its inception, the E-rate program has been extremely successful in enabling many schools and libraries, albeit mostly at the 90% funding level, to provide telecommunications services and Internet access to students and schools across America. We believe the time has come to allow our staff, students, and parents, the availability and sustainability of broadband through the funding support of the E-rate program.

¹ See Notice of Proposed Rulemaking released on July 23, 2013, FCC 13-100.

² Federal Communications Commission (FCC) 13-100 (I. INTRODUCTION) p. 2 / released on July 23, 2013.

³ See NPRM, FCC 13-100, page 3 [INTRODUCTION, definition of term used “high-capacity broadband”].

⁴ See NPRM, FCC 13-100, page 3 [INTRODUCTION, Item 12 (1, 2, 3) p.7].

Additionally, M-DCPS respectfully exhorts the Commission to consider implementation of program guidelines that provide districts the opportunity and flexibility to determine where funds are spent – while retaining eligibility guidelines, as well as the ability to have the predictability of fund allocations. Such adjustments would become essential to the success of our technology planning process and implementation of tomorrow’s technology today. To do so, effectively, the overhaul of the E-rate program must also seriously take into consideration a considerable increase in its funding cap, or we will effectively establish the first step in its ineffective continuation.

M-DCPS respectfully reminds the Commission that the E-rate program, while successfully meeting the needs and challenges of Priority One telecommunications services of districts nationwide, has consistently fallen short of meeting the requirements of the Priority Two internal connections needs, and is now at the cusp of even missing the funding mark for Priority One services nationwide. Realistically, Priority One cannot exist without the support of Priority Two services, the network’s foundation.

M-DCPS firmly believes that the Digital Convergence, “*The fusion of information and communications technology*”⁵ is driving the increase we’ve experienced in Priority One requests. This includes online curriculum; online testing; and the modern educational renaissance known as “virtual schools.” Ironically, we must understand that Priority Two is needed to support many of these initiatives through required infrastructure upgrades; for instance, Wireless services require wiring; Bandwidth expansion requires the added support of network equipment. As well, the support of Basic Maintenance of Internal Connections (BMIC) cannot be ignored. In sum, “E-rate 2.0” must be viewed as an opportunity to think outside the box and recreate the success of “E-rate 1.0” – by taking into consideration the rapid advancement of technology being experienced in the 21st Century.

M-DCPS is pleased to see that the Commission recognizes the need for E-rate reform and has taken steps to initiate a thorough review and update of the E-rate program. As such, M-DCPS enthusiastically offers the following responses for consideration, while specific to the goals set forth in this NPRM, “to determine whether the E-rate program is being used for its intended purpose and whether that funding is accomplishing the intended results.”⁶

⁵ See http://charisco.com/definitions/digital_convergence.html

⁶ See NPRM, FCC 13-100, page 9 - ¶15

II. GOALS AND MEASURES. Background.

NPRM, ¶16 – “...commenter should suggest how we [the FCC] should prioritize or balance [the three proposed goals] stated:

(1) Ensuring that schools and libraries have affordable access to 21st Century broadband that supports digital learning; (2) maximizing the cost-effectiveness of E-rate funds; and (3) streamlining the administration of the E-rate program.”⁷

M-DCPS considers and suggests a reversal of priorities to be a more appropriate resolution. Specifically, (1) *Streamlining the administration of the E-rate program* must be addressed first, as it is paramount in ensuring, among other concerns, that existing guidelines used by PIA (Program Assurance Analysts) be adjusted to ascertain, for instance, the eligibility compliance, rather than acting as audit agents for fund distributions not even yet committed.

Current PIA practices, for instance, result in funding commitments consistently lagging for most of the larger school districts. Delays often can be for as long as a full year or more from the date the FCC Form 471 requests were entered into the Schools and Libraries Division (SLD) electronic system. Moreover, recent studies have indicated that there’s a direct correlation to E-rate funds usage by the applicants based on early funding commitments, and the reverse to be true otherwise. Such shifts in policies would then effectively address and ensure (2) *maximizing the cost-effectiveness of E-Rate funds*, thus (3) *ensuring that schools and libraries have affordable access to 21st Century broadband that supports digital learning*.

NPRM, ¶97 – The Commission seeks comment on “*phasing out E-rate support for services not directly related to connectivity ... such as e-mail services and web hosting.*”

M-DCPS still supports the continued funding of these services while recognizing the Commission’s view above. M-DCPS offers that, most importantly, these services have become ubiquitous to the daily process of educating our students, thus practically making these services eligible, based on the clarification of eligibility expressed in the *Second Report and Order* citing, “integral, immediate, and proximate to the education of students.”⁸

⁷ See NPRM, FCC 13-100, page 9 - ¶16

⁸ See *Second Report and Order*, (FCC 03-101, released April 30, 2003).

NPRM, ¶101 – The Commission seeks comment on *“phasing out funding for Basic Maintenance of Internal Connections (BMIC).”*

M-DCPS strongly opposes this initiative. The reality of funding support when purchasing equipment must include the value of a veritable BMIC contract to support the maintenance of on-site units. Often, the cost of maintaining these advanced technological units is high, and to assume that one would buy something only to be left with the costs associated with maintaining the equipment is troublesome. “Selling” the idea of future purchases to a sitting Board would be difficult at best without the supporting BMIC included in the equation. Instead, M-DCPS offers the alternative solution to either move BMIC services over to Priority One or consider a Priority Two commitment at the district-wide funding level.

NPRM, ¶108 – *“We ask about the potential hardship schools and libraries would face if voice phone service was phased out under the E-rate program.”*

M-DCPS firmly believes that funding support for voice phone service should continue. There are various uses that will not be going away anytime soon: the need to provide ALARM service through the use of plain old telephone service (POTS), not to mention the need to provide a phone line at each elevator within an eligible site. These are life-threatening concerns and involve safety-to-life issues. Additionally, this initiative has the perceived notion that such ruling would be seen as forcing districts, whose ubiquitous POTS service is acceptable and costs-reasonable, to move to a costlier option, such as Voice over Internet Protocol (VoIP), as noted below, in NPRM, ¶109.

NPRM, ¶109 – *“Does Voice over Internet Protocol (VoIP) service provide a viable alternative to public-switch telephone service?”*

M-DCPS does not support a forced alternative to existing voice services. Several questions are being offered within this paragraph, and all appear to have the same insinuation to create an environment where there are no other options to voice services, even when possibly more appropriate to a district. While M-DCPS believes, for instance, that VoIP can indeed be a viable alternative where feasible, existing PBX platforms would be costly to transition to VoIP, particularly when the costs of new sets is considered. Still, however, migrating to VoIP and abandoning a PBX infrastructure that includes a huge investment in such equipment just because a district is forced into this technology is not necessarily appropriate or cost-effective to the applicant.

NPRM, ¶111 – **General Issues Related to Phasing out Support** – “*Should the phase out [of certain telephone services] begin immediately for Funding Year 2014?*”

M-DCPS does not support phasing out basic phone service under the E-rate plan. Nonetheless, should a decision be contradictory to our position, then a long-term phase out program should be preferred, and must also involve serious consideration of the life expectancy of the current equipment in place.

NPRM, ¶118 – **Modifying the Discount Matrix** – “*Increase applicant’s matching requirement.*”

M-DCPS strongly OPPOSES this measure as unrealistic. Specifically, M-DCPS was unable to use funds distributed in Funding Year 13 (2010-2011) as a result of terrible economic circumstances met by our district as well as nationally. This particular situation directly impacted our ability to even meet the required 10% matching funds. As well, this scenario was repeated in Funding Year 14 (2011-2012) when an early decision was made at that time to not participate or request Priority 2 funding, once more as a result of our inability as a district to meet the required 10% matching funds. During Funding Year 15 (2012-2013), M-DCPS realized yet again that our district could not do it alone. Consequently, M-DCPS sought and received approval directly thru the FCC and USAC to engage in an innovative idea to seek the support from our community. This initiative led to a drive spearheaded through the district’s Foundation; in order to reach the goal of meeting the evasive 10% required matching funds. Additionally, it can be stated that conditions have not improved for Funding Year 16 (2013-2014) to enable our district to drop our frugality.

It must be noted that government agencies like municipalities, counties, and local school boards rely heavily on property taxes. In fact, a recent article, dated Monday, September 2, 2013, by the Miami Herald newspaper, discloses how the district’s greatest revenue stream, property taxes, is in trouble again this year. The article notes that, “*last month, the Miami-Dade school district scrambled to shore up its books after learning that the \$45 million shortfall it already expected for the prior school year was about 50 percent too low.*”⁹

As such then, any efforts to increase the applicants’ matching contribution by **modifying the Discount Matrix will directly impact and even possibly severely reduce M-DCPS’ future participation in the E-rate program.**

⁹ See <http://www.miamiherald.com/2013/09/02/3602304/miami-dade-schools-tax-collections.html>

NPRM, ¶126 – “...requiring schools within a school district to submit applications by school district, rather than by individual school...”

M-DCPS opposes this recommendation. As a reminder, this “new” proposal was in fact the preferred filing format in place at the onset of the E-rate program. The reason this arrangement was dropped, in favor of individual filing by school, was actually because often PIA would have an issue with a particular school site and thus end up holding up the entire school district application. Later, it was decided to offer a breakout by creating a new FRN, and avoid extensive delays in the initial district application. Thus, it would be wise to recall those painful experiences and not resort to the same mistaken approach to filing. Moreover, accountability is best tracked using individual school applications, considering that audits are specific to the FRN associated with the application.

NPRM, ¶135 – Setting Budgets or Limits “...impose a per-student or per-building budget, or similar limits, on funding for schools and libraries.”

M-DCPS fully supports the recommendation set forth by Funds for Learning (FFL).

This restructuring of funds distribution would indeed lead to equitable and predictable distribution of E-rate funds. Additionally, the per-student cap, coupled with the decision-making process pushed down to the individual district applicant, would ensure that funds would be spent wisely, and where most needed, based on each district’s technology prospects. M-DCPS’ stated position was also part of the entry, as an Ex Parte document into the FCC website on March 4, 2013 (ID = 7022127287).¹⁰ The FFL plan, also a part of the aforementioned submission, retains the E-rate program’s fundamentally important aspects, including the discount matrix. Additionally, it addresses the two problematic issues: funding predictability and equitable distribution of funds (often referred to as “the blank check”).

These are issues that M-DCPS has wrestled with over the years. Thus, M-DCPS is pleased to see that the Commission has provided the opportunity to assert this proposal, as outlined in this NPRM. Approving such proposal would enable the Commission to allow applicants to set their own E-rate budget priorities, thus providing the flexibility and predictability they need to make intelligent planning and purchasing decision, as outlined in their Technology Plans. **M-DCPS strongly believes that**

¹⁰ See <http://apps.fcc.gov/ecfs/document/view?id=7022127287>

implementation of these simple adjustments to the E-rate program would ensure that local needs be the only driving force behind E-rate procurements. This practice led to the E-rate program's early success and it should prove to be even more integral to its sustainability today.

This particular idea/practice is also shown to be indirectly supported by the Commission's own statement included in NPRM, ¶136 that, "*the Commission has always recognized that schools and libraries across the country would have different needs and challenges in purchasing their E-rate supported services.*"¹¹

NPRM, ¶138 – The Commission asks "*...whether it should consider a higher and more flexible per-student limit...*"

M-DCPS fully supports the recommendation. The Commission would use the formulas suggested in the aforementioned proposal to set applicant budgets and funding floors. A simplified version would suggest that, "*to determine the total amount it can request in any given funding year, the applicant multiplies the [pre-announced] per-student funding limit by its discount rate and its number of students.*"¹² Accordingly, USAC would announce the "per student funding limit" well ahead of the E-rate filing window each year.

NPRM, ¶139 – The Commission seeks particular comments "*...on a per-student budget calculation.*"

M-DCPS, after extensive analysis of this proposal, strongly supports this concept. Additionally, M-DCPS also notes that the proposed formulas are transparent, easily calculable, and based on publicly-available numbers. Furthermore, as it is consistent with the original intent of the E-rate program, the outcome would be based on an applicant's level of demonstrated need, and the decision made at the closest administrative level to the actual need. These changes would also ensure the level of *Transparency* that the Commission has addressed in NPRM ¶232 "**Increasing the Transparency of USAC's Processes.**"

¹¹ See also, e.g., *Universal Service First Report and Order*, 12 FCC Rcd at 9006-07, paras. 431-432 (citing differing priorities and approaches in comments from several states).

¹² See FFL proposal, Exhibit E, page 2

NPRM, ¶145 – “SECA recently suggested that the Commission rescind the two-in-five rule.”¹³

M-DCPS fully supports the first part of SECA’s recommendation, that is, to fully rescind the two-in-five rule. Since its inception, it has only proven to do the reverse of its intent: to curtail excessive funding requests. The proposed solution actually rests in a more equitable distribution of funds, as well as increasing the current funding cap to better meet the demands nationwide.

Unfortunately, SECA follows with a suggestion to instead, “*allow all applicants to receive funding on a rolling funding cycle, [apparently somehow determining] a different set of applicants would be eligible for priority two funding every year...*”

M-DCPS does not support this alternate suggestion to allow applicants to only receive funds once, on a rolling funding cycle. Such format would clearly create additional burdens to a program already replete with rules, regulations, and guidelines that the Commission is wisely trying to streamline through this NPRM.¹⁴ Of particular concern and question would be how USAC would determine who would be eligible next in this proposed cycle.

NPRM, ¶146 & NPRM, 147 – The Commission seeks comment on the possibility of “*Eliminating the distinction between Priority One and Priority Two services.*”

M-DCPS supports this proposal. The natural progression, based on the proposals noted and discussed above, would easily suggest the plausibility of encouraging the Commission to eliminate the existing Priority system. Such decision would *simplify the process* and allow, once again, for each individual School District to determine its own sets of priorities based on need at the local level, while still adhering to, and retaining existing program practices and eligibility restrictions as outlined in the Eligible Services List. This analysis has its roots solidly upon the idea discussed in response to the NPRM proposals under “Setting Budgets or Limits”¹⁵ starting in ¶135 through ¶139. That is, once a determination is made to allocate a specified funding amount to a school district, the next step would be

¹³ See Schools and Libraries Third Report and Order, 18 FCC Rcd at 26916-17, paras. 9, 11.

¹⁴ See FCC NPRM (WC Docket No. 13-184) Section V “STREAMLINING THE ADMINISTRATION OF THE E-RATE PROGRAM” / pages 59 – 74.

¹⁵ See FCC NPRM (WC Docket No. 13-184) Section III “ENSURING SCHOOLS AND LIBRARIES HAVE AFFORDABLE ACCESS TO 21ST CENTURY BROADBAND THAT SUPPORTS DIGITAL LEARNING” C.4. *Setting Budgets or Limits* / pages 39 – 41.

to permit a drive down to the local level of any decisions to use those funds to pay for Priority One or Priority Two services, based on actual needs for any particular funding year. Thus, **eliminating the distinction between Priority One and Priority Two falls in line with the analysis and responses by M-DCPS.**

NPRM, ¶173 – The Commission seeks comment on “*whether a temporary increase in the E-rate cap is necessary to reach our goals and ensure high-capacity broadband connectivity to schools*”

M-DCPS firmly believes that a significant funding cap increase is long overdue, and not just a “temporary increase.” Considering how over the last 15 years of this federal program, E-rate has never received a funding cap increase, and in fact it was only recently that a minimal increase to amend for a Cost of Living Adjustment (COLA) was made. Therefore, it is time to accept the fact that this program is in trouble, and it starts with the current funding cap. Most everyone affiliated with the E-rate program will agree that it is greatly underfunded and the problem is getting worse. Opportunely, the Commission has taken the required next-step by releasing this NPRM in order to make the necessary mid-course corrections.

One area often cited is that, while the total funds available in the program are capped each year, there is no cap on the funding available to individual applicants. Consequently, a few applicants receive a disproportionate share of the funds available while others are left to wonder what will happen the following year, and thereafter. This problem, coupled with a “priority” system that somehow ends up encouraging applicants to apply for E-rate purchases based on outdated priority classifications, spells disaster and clearly shows the need to increase funds accordingly. Admittedly, some of these requests are based on the need to support the Digital Convergence initiative while attempting to put a machine in everyone’s hands.

NPRM, ¶227 – The Commission proposes “*electronic filing of FCC forms and correspondence.*”

M-DCPS fully supports this proposal. As we move well beyond the initial E-rate years when “some schools and libraries did not even have Internet access, and [thus] were unable to file electronically,” we should fully take advantage of this technological transition and be more willing and able to engage in all electronic opportunities available today. At the very least, the ability to track and be able to retain copies of all documents sent and received alone makes up for any unknown inconvenience.

NPRM, ¶232 – The Commission seeks comment on “ways to increase transparency throughout the application, commitment and disbursement processes, so that applicants have a better understanding of the status of their funding requests.”

M-DCPS fully supports this proposal and noted suggestions from SECA. Moreover, there should be a far more clear definition provided to the PIA Reviewers of the differences between verifying eligibility guidelines versus becoming Auditors in the process. Often, the required responses to inquiries closely resemble those normally reserved for audit questions, generally taking much longer to process and review, leading to new interminable questions. Streamlining this process, as noted above, would certainly lead to the comments sought by the Commission on the following ¶233.

NPRM, ¶233 – “Speeding Review of Applications, Commitment Decisions, and Funding Disbursements.”

M-DCPS fully supports the recommendation made by the United States Government Accountability Office (GAO) back on September 29, 2010 that, “the Commission undertake a risk assessment of the E-rate program [...] to better align program resources to risks.”¹⁶

M-DCPS strongly feels that, in recent years, the trend has been in complete reversal to the GAO recommendation identified. Particularly, for instance, M-DCPS notes that funding commitments to our district have been averaging greater than a nine-month delay, well into the actual funding year / often receiving funding commitments as late as April and May, just before the year is coming to an end. Clearly, this changes the scope of all plans for the funding year and needs are seriously affected with solutions inexplicably delayed. The support of our in-house technical team has to be diverted to other tasks. Vendors complain that prices originally quoted are unsustainable. Yet, these are but a handful of examples of the consequences of delayed funding commitments.

More importantly, as noted, this issue supports the service providers’ reluctance to commit to better pricing during contract negotiations, as well as quoting the jobs more equitably and fairly, considering they have to plan ahead for service delivery cost increases caused by delays in funding commitments. Unfortunately, as data indicates M-DCPS is not alone in this quandary, as it is blatantly apparent that large districts get funded last.

¹⁶ United States Government Accountability Office Report to Congressional Requestors, “FCC Should Assess the Design of the E-rate Program’s Internal Control Structure,” GAO 10-908 (Sept. 29, 2010).

NPRM, ¶238 – The Commission considers, “consistent with [its] allowance for the community use of E-rate services¹⁷ the possibility of “*Cost Allocation Challenges that Impose Undue Burden on Applicants.*”

M-DCPS fully supports this proposal and encourages the Commission to enact it. More specifically, the Commission has identified a particular example involving Pre-K students and referencing their current cost allocation requirements. As noted by the Commission, “those costs typically are so small that the burden of cost allocation and administrative review outweigh the benefit to the Fund of requiring cost-allocation.” Thus, the Commission is considering establishing “an exception [...] to improve the efficient use of E-rate eligible services and reduce administrative burden.”¹⁸

In recent years, for example, M-DCPS has been involved in such a specific scenario of having to justify and allocate out as few as a handful of children (in one such case, the Pre-K student count is one [1] for students less than 3 years old), thus creating undue research, escalations, and administrative delays not worth the total cost being debated over the eligibility of one student.

NPRM, ¶241 – Multi-year contracts. The Commission seeks comment on the following proposal that, “absent a change in the contract, service provider or recipients of service, allow E-rate applicants with multi-year contracts that are no more than three years in length (including any voluntary extensions) to file a single FCC Form 471 application for the funding year in which the contract commences and go through the full review process just one time for each such multi-year contracts.”

M-DCPS fully endorses this proposal and commends the Commission for considering this suggestion that truly serves to streamline the E-rate process, eases the burden on the program administration and the applicant alike, and expedite funding commitments. This is a noble idea whose time for implementation has arrived. Much has been discussed on this topic in the past, including suggestions on how to “box” the response in the area of the Contract information within the FCC Form 471 request.

¹⁷ See *infra*. Para. 296; *Schools and Libraries Sixth Report and Order*, 25 FCC Rcd at 18775-76, paras. 24-26.

¹⁸ See *infra*. Para. 296; *Schools and Libraries Sixth Report and Order*, 25 FCC Rcd at 18775-76, paras. 24-26.

NPRM, ¶259 - 261. – *Invoicing and Disbursement Process.* The Commission *“proposes to modify our process to permit schools and libraries to receive disbursements directly from USAC and to adopt specific invoice deadlines and invoice deadline extension rules.”*

MDCPS strongly supports this proposal and is pleased to learn that the Commission may finally recognize something that M-DCPS has championed for years. The extra step in refunding the applicant, through the intervention of the vendor, is not only a wasted step that only serves to delay the funds from reaching their due destination, but also can be perceived, unintentionally, as a matter of perceived distrust towards the applicants.

Additionally, it must be understood that, from the onset, M-DCPS has consistently pointed out that, “the program has never questioned direct refund to the vendors” – through their direct billing use of the Service Provider Invoice (SPI) method, or has even considered applicant approval for such disbursements. Whereas the applicant must first wait for vendor approval of the FCC Form 472 before the SLD even accepts it, not to mention the aforementioned “pass-through for the reimbursement of funds” process. Of particular note is that, by using the Billed Entity Applicant Reimbursement (BEAR) process, the applicant has obviously already paid 100% of the service in advance of the funding recovery process.

NPRM, ¶271 – Children’s Internet Protection Act (CIPA) COMPLIANCE – The Commission seeks *“clarification on the applicability of CIPA to devices not owned by E-rate recipients but using E-rate supported networks and to off-premises use of devices owned by schools and libraries.”*

M-DCPS supports the initial reason for the enactment of this law by Congress in 2000, and expressly intended to “address concerns about children’s access to obscene or harmful content over the Internet.”¹⁹ Specifically, CIPA requires that, “schools and libraries subject to [this law] may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. As well, M-DCPS is working on the applicability of CIPA to devices not owned by the district, and to ensure appropriate measures are taken to continue to validate CIPA compliance.

¹⁹ See <http://www.fcc.gov/guides/childrens-internet-protection-act>

To this end, M-DCPS has developed its own “Acceptable Use Policy”²⁰ and covering the guideless required by CIPA. Admittedly, however, compliance with this federal law has become a concern to all, based on the new technology that allows for tablets, laptops, and other devices that are now being brought into the school grounds and end up using E-rate supported networks, as identified by the Commission in this NPRM . Specifically, devices not owned by E-rate recipients, but brought onto a school network, will still be blocked using the District content filter, therefore meeting compliance requirements of CIPA. It must be noted that, while there is no technical way to stop the student from configuring their device to another ISP still, the student must agree to the district’s “Acceptable Use Policy” as it is administratively enforced.

Conversely, devices owned by M-DCPS and taken offsite can be configured to be CIPA compliant with the use of agents that proxy web traffic to a content filter. Notably, many other solutions exist to address this issue. M-DCPS, for instance, is exploring the use of “Lightspeed” systems; this includes the use of an on-premise content filter that can also be used by external devices. As such, M-DCPS remains committed to total compliance with CIPA, even in spite of current technical advances that can foil the law’s intent.

NPRM, ¶295 – *Extending the E-rate Document Retention Requirements.* The Commission “proposes to extend the E-rate program document retention requirements from five to at least ten years.”

M-DCPS strongly opposes this proposal. During the program’s 15-year history of Audits involving M-DCPS, not a single case has surfaced where information was needed and/or requested that was greater than three years old. Demonstrably, therefore, it is inconceivable that a case would surface that would require USAC to identify documents greater than five years old, let alone ten years old from date of installation.

Furthermore, to even assume that there would be sufficient human recollection ten years down the road on a relevant email, for instance – assuming the originator would still be on that job assignment – is most unlikely and unreasonable to expect. Consider as well the possibility of a COMAD request (a “Commitment Adjustment”). The burden on a new administration resulting from the responsibilities of an administration’s decision ten years back is incomprehensible.

²⁰ See http://www.dadeschools.net/technology/acceptable_use_policy.htm

NPRM, ¶319 – *Wireless Community Hotspots*. The Commission seeks comments on whether to “*permit schools to provide wireless hotspots to surrounding communities using E-rate supported services.*”

M-DCPS believes, supports, and applauds the Commission’s inquiry on whether to **permit wireless hotspots to surrounding communities using E-rate supported services**. In a perfect world where all communities enjoyed their own ability to access the Internet from home, this issue would not even need to be debated. However, in many school districts around the nation, and specifically within the boundaries of M-DCPS, such is not the case. Many of our neighborhoods would greatly benefit from such gratuitous initiative, and likely would result from a minimal to a cost neutral expense.

Admittedly, a performance and security burden could be placed on the school district. Nonetheless, the upside to that concern signifies the district’s ability to allow a number of our own students the ability to access the Internet from home and, at the very least, do their homework. But, at the maximum benefit, in essence, is the prospect of providing our students the ability to be a part of the 21st Century revolution in technology. If that’s the tradeoff, it far outweighs any negative consequences.

CONCLUSION

The evolution of technology, since the inception of the E-rate program, has forced us to analyze the dissemination of knowledge and the equipment/services purchased, including the E-rate eligibility of qualifying services and even how funds are distributed and spent. The Digital Convergence we are experiencing today was unimaginable at the onset of the E-rate program. Yet, it was the E-rate driven initiatives created and funded by E-rate 1.0 that have made it possible for us to even navigate this technological explosion effectively.

The opportunity advocated by the FCC for self examination is a welcomed and much needed initiative propelling E-rate 2.0. Existing rules and restrictions initially enacted – while well-meaning, at times prevent districts from taking action at the local level to secure the needs of their specific districts. Thus, it is critical to recognize that we have the opportunity, through E-rate 2.0, to reengineer a successful federal program that will also allow us to meet and fund the current technological needs of the 21st Century.

Thus, the ability to make decisions at the local level must be addressed once and for all. Clearly, the needs of M-DCPS, where an astounding number of 56 different languages are spoken by students whose roots expand to 160 countries,²¹ cannot be compared to another school district boasting different student populations and needs. We urge the Commission to consider this plea and make the appropriate program changes to a revised E-rate 2.0. Conclusively, therefore, M-DCPS commends the Commission for taking a first step in the right direction to provide the flexibility and predictability districts need to make intelligent planning and purchasing decisions, as outlined in their own Technology Plans.

Finally, as well, M-DCPS takes pride in supporting the inclusion of the President's ConnectED initiative within the proposals herein addressed for modernizing the E-rate program. M-DCPS recognizes the intensity surrounding the enactment of E-rate 2.0, **and is willing to participate in any FCC driven forum to meet the Commission's goals.** After all, in the balance lies the future success and survival of this program, and the endeavor to ensure that schools and libraries can have *access to the 21st Century broadband that supports Digital Learning* at a level that is significant, equitable, and affordable by all school districts nationwide.

²¹ See data source: M-DCPS website at <http://www.dadeschools.net/#>