



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

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In the Matter of)	
)	
Petitions Regarding Off-Campus Use of)	CC Docket No. 02-6
Existing E-Rate Supported Connectivity)	WC Docket No. 10-90
)	WC Docket No. 13-184
Schools and Libraries Universal Service)	
Support Mechanism)	
_____)	

**COMMENTS ON PETITIONS
REGARDING OFF-CAMPUS USE OF EXISTING
E-RATE SUPPORTED CONNECTIVITY
(DA 16-1051)**

The State E-Rate Coordinators’ Alliance (“SECA”) writes to support Boulder Valley’s and Microsoft’s petitions for waivers of the off-campus cost allocation rule on a trial basis as means for the Commission to explore and encourage technological and practical solutions to the “homework gap” problem. As discussed further below, SECA is not yet prepared to support a broader waiver to permit off-campus use by all applicants unless and until mechanisms are developed to target selected students in need.

E-Rate’s Role in Supporting Off-Campus Use of Existing Connectivity

The “homework gap” problem is real. The inability of low income and/or rural students to gain easy and affordable access to broadband Internet access places them at a serious disadvantage when online curricula are assigned. Student access outside of school is important, not only to

support homework assignments increasingly reliant on Internet resources, but to enable entirely new approaches to education such as “flipped classrooms.”

Access at home is particularly important. Alternative points of access for students — picking up Wi-Fi signals in school parking lots, traipsing to a library, or even, as recently proposed, riding on a school bus — are imperfect substitutes for working from home. Without home access, the disadvantaged are disadvantaged.

SECA believes that the Commission believes this too. The Commission has clearly taken steps outside of E-rate to address aspects of home Internet access disparities by supporting rural broadband, modernizing Lifeline, and encouraging supplier involvement in the President’s Connect Ed program. Its most recent settlement agreement with T-Mobile takes dead aim at the “homework gap” problem.

What is surprising is how little has been done with E-rate — the one USF program specifically designed to address the educational needs of schools and libraries — to support the extended needs of students outside of school. Indeed, as noted by both petitioners, the current E-rate cost allocation rules actually penalize schools for providing any degree of off-campus Internet access even when such use places no burden on program funding.

Perhaps this is a “nose-of-the-camel” issue. When the “tent” can be firmly pegged down, as was the case with its *Community Access* and *Alaskan Waiver* decisions, the Commission has proven more flexible (albeit with proper limiting conditions) for the broader use of E-rate supported services.

The Boulder Valley and Microsoft petitions provide opportunity for the Commission to expand the benefits of E-rate supported connectivity in a targeted manner — presumably without a broad-scale, open-ended, redefinition of “educational purpose” making all students eligible for home access. SECA supports this limited effort.

The Importance of Targeting Students in Need

Targeting is important. Our conjecture — something that could be tested in the petitioners’ trials — is that per student basis use of at-home Internet capacity could be significantly higher than in-school use. If correct, this suggests that the number of students given after-hour access to school Internet facilities must be limited in order to meet the explicit assumption in both petitions that such use would not increase a school’s E-rate costs.

Other limiting factors might also include school administrative burdens and/or potential commercial market disruptions.

The two petitions address student access limitations differently. In particular:

1. Boulder Valley proposes to serve low-income students living in affordable housing units near their schools. Although the petition does not target a specific number or percentage of students to be served, the district’s recent E-rate filings show an NSLP eligibility ratio

of roughly 20%. If the focus is solely on students currently without Internet connections at home, the percentage affected might be considerably less.

2. The Microsoft proposal, on the other hand, targets a broader swath of up to “3,500 students who currently lack broadband services” across two Virginia counties whose districts serve about 7,500 students. Although the petition speaks of serving “only eligible students,” that percentage could apparently exceed 45%.

For trial purposes, the Commission may wish to limit off-campus use to a lower percentage — say 10% — of the student base. Such a limitation would imply a means for identifying the most “needy” students in terms of their geographic or economic¹ access to commercial Internet access services — a determination probably best made by the school administrators.

School Administration of Off-Campus Student Use

One important aspect of the proposals to permit off-campus use of school Internet facilities, not really addressed in either petition, is the role of the schools in administering such use. The full burden of such administration may become clear only as the trials progress. Several administrative aspects to be considered include:

1. Identifying the “needy” students eligible to receive off-campus access.²
2. Monitoring and controlling access, broadly by enabling and disabling access based on school hours, and much more narrowly by managing individual student access (via device codes, passwords, etc.)
3. Technical support for after-hours, off-campus, access problems.
4. CIPA considerations (filtering and Internet safety policy issues).

Conclusions and Recommendations

It is important to recognize that neither of the projects proposed by petitioners requires a change in E-rate rules to provide off-campus access to E-rate supported Internet connectivity in applicant schools. Under current rules, such access is permitted — but only if the costs of such connectivity are properly allocated between eligible on-campus use and ineligible off-campus use. What the petitioners are requesting is a waiver of the cost-allocation rule.

Neither petitioner is requesting additional E-rate funding. What they are asking is that their school districts not be penalized by reducing (via cost-allocation) existing E-rate funding for

¹ In instances of economic need, NSLP eligibility maybe a necessary, but not sufficient determinant of a “needy” student. Nationwide, roughly half of all students qualify for free or reduced-priced meals. In the two counties covered by the Microsoft, NSLP eligibility is about 60%.

² If access must be rationed, preference might be given to students in the upper grades.

connectivity that can also be utilized after hours to address the “homework gap” for needy students.

More broadly, the petitioners are asking that Commission to encourage, not discourage, innovative approaches to using existing E-rate funding to support education 24x7.

SECA agrees with this goal. SECA recommends that the Commission waive its cost-allocation rule with respect to the trials proposed by Boulder Valley and Microsoft conditioned upon (a) a limitation on the extent of off-campus usage, (b) a defined trial period, and (c) public reporting of trial results. In doing so, the Commission might also establish interim criteria under which 10-20 other applicants might propose alternative off-campus trials.³

As a part of a longer-term solution, SECA suggests that the Commission initiate a Notice of Inquiry seeking additional ideas and proposals⁴ for addressing the “homework gap” problem on a nationwide basis within or outside the scope of E-rate.

Respectfully Submitted by:

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³ Along lines similar to the Commission’s 2011 *Learning-On-The-Go* pilot programs.

⁴ Including the consideration other off-campus proposals such as Wi-Fi on school buses.