



# E-Rate Central

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

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In the Matter of )

Modernizing the E-rate Program for Schools )  
and Libraries )

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) WC Docket No. 13-184  
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**Petition for Reconsideration Seeking Clarification of Public Notice DA 20-1218  
Regarding Category Two Budgets for Schools with Part-Time Students**

E-Rate Central, serving as the State E-Rate Coordinator on behalf of the New York State Education Department, appreciates the revised guidance provided in Public Notice DA 20-1218 indicating that part-time students attending independent schools outside of their home districts may be counted as full-time students with respect to the Category 2 budget calculations of those independent schools.<sup>1</sup> This was an important distinction to have been made in a state such as New York in which alternative education (e.g., career development) schools are administered by educational service agencies (“ESAs”). In New York, these ESAs are known as Boards of Cooperative Educational Services (“BOCES”).

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<sup>1</sup> E-Rate Central had previously supported this position in [Reply Comments](#) supporting a Petition for Reconsideration submitted by Infinity Communications and Consulting, Inc. (“Infinity”) and the associated Comments filed by the State E-Rate Coordinators’ Alliance (“SECA”).

As set forth in Public Notice DA 20-1218, many of New York BOCES schools with large half-day enrollments should now be covered for Category 2 purposes under the provision stating:

...independent schools that are attended by students from multiple districts on a part-time basis only (such as vocational schools that are not part of a school district), and which were not addressed in the Category Two Report and Order, should continue to count these students as full-time students consistent with previous guidance provided under the prior category two budget rules.

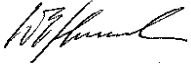
Although this provision would appear to provide Category 2 support for all BOCES schools, we are concerned that USAC may be intending to interpret this guidance too narrowly so as to unduly limit the FCC's true intent. Based on USAC answers to questions in recent training sessions, USAC appears to be indicating this guidance applies (a) only to schools serving part-time students (i.e., not to schools serving both part-time and full-time students), and (b) only to individual independent schools (i.e., not to districts comprised of such schools).

BOCES in New York provide a wide range of specialized educational services for students from traditional districts within their serving regions. Many of the BOCES programs, indeed the largest, do in fact serve part-time students (e.g., alternative career education, cultural arts, etc.) covered by Public Notice DA 20-1218. Other BOCES programs, however, serve full-time students (e.g., hearing or visually impaired, teen-aged parents, etc.) at least for a portion of a school year. As such, a single BOCES school may host both part-time and full-time students. Further, these BOCES programs are often run out of multiple school buildings with such BOCES being treated as "districts" for E-rate purposes.

It appears clear to us — but perhaps not to USAC — that the FCC's guidance as to the treatment of part-time students for Category 2 purposes should apply to independent BOCES schools or multiple BOCES schools as "districts" whether serving only part-time students or a combination of part-time and full-time students.

We respectfully ask the Commission to clarify that its Category 2 rules on part-time students apply broadly to independent schools or districts that are attended by students from multiple districts on a part-time or full-time basis.

Respectfully submitted by:



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