



**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Promoting Fair and Open Competitive
Bidding in the E-Rate Program

WC Docket No. 21-455

**REPLY COMMENTS OF THE NATIONAL SCHOOL BOARDS ASSOCIATION REGARDING
ESTABLISHING A CENTRAL DOCUMENT REPOSITORY FOR THE E-RATE PROGRAM**

The National School Boards Association (NSBA) respectfully submits these Reply Comments responding to the Federal Communications Commission’s (“Commission”) request for public input regarding proposed changes to the schools and libraries universal service program’s (“E-rate”) competitive bidding requirements. NSBA is a federation of state school board associations and the U.S. territory of the Virgin Islands. Through NSBA’s member state associations that represent locally elected school board officials, we serve millions of public school students most of whom benefit from the E-rate’s invaluable broadband connectivity investments for schools and libraries.

NSBA shares the Commission’s commitment to ensuring that the E-rate operates as efficiently as possible and minimizes waste, fraud, and abuse. Maximizing the program’s impact on school and classroom broadband connectivity rates, while ensuring that bad actors are unable to defraud the program and ratepayers must be a high priority for policymakers. We are concerned, however, that the Commission’s proposal to establish a national bidding portal may make the E-rate application process significantly more complicated without providing offsetting fraud-prevention benefits to program participants and the public.

NSBA agrees with the Comments filed by the Consortium for School Networking (CoSN) and the State Educational Technology Directors Association (SETDA). The organizations correctly note that the Commission's past reliance on state and local procurement requirements, as a mechanism to protect the E-rate's funds from misappropriation, has been a success. CoSN and SETDA's comments correctly note that state and local rules govern the use of most federal, state, and local funding flowing to nation's public schools. Local leaders are thus well familiar with state and local procurement requirements and know how to administer them effectively. Creating a new process and set of rules only for the E-rate funds they receive would only serve to make the acquisition and use of those funds more complicated.

As local leaders, the nation's school board members take their responsibility for overseeing their school district's annual budget processes very seriously. Board members' work includes overseeing the steps that school districts take to ensure compliance with state and local procurement requirements, including applicable competitive bidding provisions. Given that local leaders are most familiar with their local rules, we urge the Commission to forgo creating any national rules that might conflict with existing laws and regulations and instead seek ways to help applicants better satisfy existing record retention and related requirements at issue in this proceeding.

NSBA also agrees with the Comments of the State E-rate Coordinators Alliance ("SECA") which note that "[t]he primary culprit for applicants' bidding mishaps is the existing complexity of the Form 470 and its associated rules and bidding procedures. The vast majority of bidding infractions are due to inadvertent mistakes made in an earnest and good faith effort to comply with the program's extensive requirements." Rather than creating a national bidding portal and an additional layer of possibly complex requirements, NSBA encourages the Commission to explore ways that the Universal Service Administrative Company could help applicants avoid mistakes and misunderstandings of the rules, including through improved E-rate guidance, professional development, and ongoing technical assistance.

NSBA also agrees with the Comment of the America Library Association ("ALA") that the Commission must be particularly cautious about the potential impact of its proposed competitive bidding changes from the perspective of state level E-rate contracts. We agree with ALA that, "[a]ny E-rate bidding portal will need to have considerable flexibility to accommodate the many variables that arise in large state procurements." State negotiated

rates for E-rate eligible services and equipment are very competitive and provide immense assistance to school districts. NSBA urges the Commission to carefully consider how a national E-rate bidding portal and associated rules may impact existing state contracts and systems and to preserve the benefits such contracts provide.

Thank you for carefully considering our Reply Comments. The E-rate enables broadband connectivity that provides immense learning and administrative benefits to students and educators. As the Commission continues this important proceeding, we encourage you to forgo the creation of a new bidding portal and instead adopt other strategies – such as improved USAC technical support and training - for ensuring the program’s integrity. We welcome the Commission’s desire to improve the E-rate’s effectiveness and would be pleased to answer any questions you may have about our Reply Comments and the overarching benefits the program provides.

Sincerely,

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