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

In the Matter of

Wireline Bureau Request for Comments regarding the Emergency Broadband Connectivity Fund

WC Docket No. 20-445

COMMENTS OF SETDA, COSN, and ALL4ED REGARDING THE EMERGENCY BROADBAND CONNECTIVITY FUND

The State Educational Technology Directors Association ("SETDA"), the Consortium for School Networking ("CoSN"), and the Alliance for Excellent Education ("All4Ed") appreciate this opportunity to provide comments about the Wireline Competition Bureau's (the "Bureau") implementation of the Emergency Broadband Benefit Program ("EBBP") supported by the Emergency Broadband Connectivity Fund.[1] SETDA's and CoSN's members serve as technology and digital learning leaders in state government and local school districts, respectively, to support and advance digital learning, including working to ensure that all students have access to reliable high-capacity broadband during the COVID-19 pandemic and beyond. All4Ed's Future Ready Schools initiative works with school and district leaders to implement student-centered learning strategies to target existing inequities; remedy disparities in in-school and out-of-school technology access; and use technology to create equitable learning opportunities for all students. Our organizations and members welcomed Congress's decision to create the Emergency Broadband Connectivity Fund and directive to the Commission to establish the EBBP to help low-income families acquire the broadband connectivity they need for learning, work, and connecting fully with opportunities and services in their communities.

The COVID-19 pandemic affirmed what educators have long known, the nation desperately needs sustainable, reliable, and affordable broadband connectivity for all families. Persistent broadband

[1] *Section 904 of Division N of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021* (P.L.116-260).

access gaps, a major problem during normal times, are disproportionately impairing low-income students who, too often, are unable to participate fully in online and hybrid learning models. States and localities recognize the disproportionate impact of COVID-19 on Black, American Indian/Alaska Native, and Latino students, students experiencing disabilities; and students and families navigating poverty. The United States Census Bureau's Household Pulse Survey illustrates this disparity by confirming the significant shift to online learning caused by the pandemic and that "lower-income households are less likely than higher-income ones to have internet access and computer availability."[2] Given that these students are likely to fall far behind their peers academically during this period, we encourage the Bureau to consider the following ideas to maximize the emergency program's impact on connectivity rates for families, especially students.

THE BUREAU SHOULD ENCOURAGE AND EQUIP STATES AND SCHOOL DISTRICTS TO NOTIFY ELIGIBLE FAMILIES ABOUT THE EMERGENCY BROADBAND BENEFIT PROGRAM AND SUPPORT PROVIDERS IN CONFIRMING FAMILY ELIGIBILITY

Although state education agencies and school districts do not have a direct role in the EBBP's administration, they can be an effective partner to the Bureau and providers in boosting program participation rates by families with students. Unfortunately, many families may not be aware of the EBBP or understand if they are eligible to participate. Building widespread awareness about the EBBP among eligible families with students is a vital first step toward boosting broadband connectivity rates for learning. Providers must be encouraged to lead aggressively in building consumer awareness about the program, but state education agencies and schools – trusted partners with families – can encourage information sharing between providers and the eligible households with students that lack adequate broadband access.

The Bureau should encourage providers to work closely with state and local education leaders in the states and communities where they offer broadband service. This practical step could include

[2] U.S. Census Bureau. 2020. "Schooling During the COVID-19 Pandemic." The United States Census Bureau. August 26, 2020. https://www.census.gov/library/stories/2020/08/schooling-during-the-covid-19-pandemic.html.

equipping state education agencies and school districts with consumer-friendly information about the EBBP, including where and how to enroll in the program. Cultivating such partnerships could also facilitate EBBP eligibility verification, as contemplated by the statute, through a student's participation in the free and reduced-price lunch program under the Richard B. Russell National School Lunch Act or the school breakfast program under section of the Child Nutrition Act of 1966. These statutes and the U.S. Department of Agriculture's related regulations (7 CFR §245.6(f)) limit schools and states from disclosing, without consent, nutrition program eligibility information, except in limited circumstances.

A close partnership between providers and education entities, however, can help overcome this obstacle to verification. For example, state education agencies and schools can take responsibility for notifying eligible families about the program (without disclosing information to third parties). When notifying households about their eligibility for the EBBP, schools can simultaneously encourage families to provide the written consent required for providers to use the federal nutrition programs as an eligibility verification pathway.

THE BUREAU SHOULD ADOPT MINIMUM SYSTEM REQUIREMENTS TO ENSURE THAT BROADBAND CONNECTIONS SUPPORTED BY THE EBBP ARE ADEQUATE FOR LEARNING

The widespread – at some periods nearly universal - remote learning required during the pandemic has provided significant insights about the broadband capacity required for teaching and learning. We strongly agree with the Bureau that Congress intended for the EBBP to help connect low-income students to learning. We also agree with the Bureau that covered services and devices must "support video conferencing platforms and other software essential to ensure full participation in online learning." Given the critical national need for low-income students to access remote learning, the Commission should impose minimum system requirements for connected devices supported by the EBBP. Our members have found that the baseline 25 Mbps/3 Mbps standard is an appropriate starting point, however, we know from direct experience that if a family has more than one student at home, or adults who are also working from home, the 25/3 standard is not adequate.

Internet Service Providers traditionally, due to aging infrastructure limitations and customer demand, have allocated a larger portion of their capacity to support download internet traffic for residential customers. A majority of the residential service plans offer upload speeds that are a fraction of the download speeds (25/3, 50/10, 100/25, or 400/25). As upstream connections have become more critical for families, who depend on video streaming for virtual learning and meetings, cloud based educational applications such as learning management systems and cloud storage, Internet Service Providers should invest in upgrading their infrastructure to meet these new requirements.

The Commission must make special accommodations for rural households subject to limited service as a result of local provider infrastructure. Among other protections, rural households should not be forced to pay full price for inferior services. For example, if a provider is unable to deliver 25/3, but can do 12/3, they should only be able to charge half the higher rate. This strategy is similar to the sliding scale of permitted prices adopted by West Virginia.

In addition to ensuring that the program supports sufficient speeds for remote learning, the Bureau should also preclude participating providers from imposing data caps. Households reach data caps quickly when multiple users connect from home for work, learning, and other activities. When there is one mobile hotspot sent from the school to a family with more than one child accessing the Internet for learning, the data cap can be reached within the first few days of the month. Similarly, providers participating in the program should be prevented from throttling subsidized services to manage network congestion. Throttling can greatly hinder digital learning. For example, schools report that students and teachers have been cutoff mid class when throttling minimizes bandwidth to the point where video streaming is not possible.

THE BUREAU SHOULD COVER REQUIRED EQUIPMENT ASSOCIATED WITH INTERNET SERVICE AND PROVIDE ADDITIONAL SUPPORT FOR LOW INCOME HOUSEHOLDS IN RURAL AREAS

The EBBP should cover equipment required to support service delivery, including the monthly rental costs for modems and/or routers. “Hidden” or additional equipment fees will make it impossible for some low-income families to benefit from the program because they do not have the ability to contribute

to the costs of the service and devices. Furthermore, providers should not be permitted to withhold equipment based on an otherwise eligible consumer's credit rating. The Bureau should also seek a solution to the high equipment costs associated with satellite services that may be necessary for rural households.

Schools report that student connectivity disparities are especially pronounced in rural areas where infrastructure is insufficient to take advantage of earlier emergency broadband assistance approved by Congress, such as providing funding for mobile access points (e.g., Wi-Fi-enabled school buses) and other technologies that rely on having nearby access to existing, more robust, broadband infrastructure. Isolated rural households must necessarily use more expensive broadband options, such as satellite service, which may exceed the EBBP funding levels approved by Congress.

Given this challenge in rural areas, the Bureau should identify ways to use the EBBP, possibly in conjunction with the Universal Service Fund programs, to provide additional assistance to help rural families that might not live near broadband infrastructure. The Bureau should also design the program to empower schools and other community anchor institutions to serve rural students where there are infrastructure and service gaps. Schools could also create materials to be sent home with students, including providing a phone number or text-based support desk to answer households' questions about the new program. Another powerful strategy would be to empower schools to apply on behalf of eligible households.

Finally, while we recognize the temporary nature of the EBBP, we urge the Bureau to administer the program with these longstanding, systemic problems in mind so that the program might be used as a foundation for longer term connectivity improvements. For example, the Bureau should consider approaching implementation of this investment as a pilot for future efforts to close the "Homework Gap". As part of this "pilot strategy" the Bureau should take steps to collect information about how EBBP funding is used and what household subsidy strategies worked most effectively to increase connectivity rates for students and their families.

Thank you for carefully considering these comments. SETDA, CoSN, and All4Ed would be pleased to provide any additional information the Bureau requires to support implementation of this vitally important broadband connectivity program.

Sincerely,

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