

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Modernizing the E-rate Program for Schools and  
Libraries

WC Docket No. 13-184

**REPLY COMMENTS OF THE  
NATIONAL EDUCATION ASSOCIATION**

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## **Introduction**

The National Education Association (“NEA” or “Association”) is pleased to offer reply comments in response to the Federal Communication Commission’s (Commission’s) Notice of Proposed Rulemaking (NPRM) to modernize the E-Rate Program (“E-Rate Program” or “Program”) for schools and libraries.<sup>1</sup> The NEA has supported the Program since it was established in 1997 and commends the Commission for seeking reply comments to initial comments on how best to (a) ensure that schools and libraries have affordable access to 21<sup>st</sup> century broadband that supports digital learning, (b) maximize the cost effectiveness of Program funding support, (c) streamline the administration of the Program, and (d) collect accurate, relevant and timely data to track progress toward these goals.

The NEA, which is the nation’s largest professional association, is committed to advancing the cause of public education. The Association’s three million members work at every level of the educational structure – pre-school to university graduate programs. The NEA has affiliated organizations in every state and in 14,000 communities across the United States. Among the Association’s members are countless K-12-related individuals and entities that participate in or are directly affected by the Program and the support it provides to its many beneficiaries, including students.

In response to initial comments filed with the Commission by more than 700 organizations and individuals, including educators, the NEA wishes to address several issues raised. While the NEA continues to assert that permanently raising the Program’s funding cap is paramount, there are several issues the NEA heartily concurs with and would like to reiterate, as well as issues for which the NEA believes strong caution is warranted.

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<sup>1</sup> See *In the Matter of Modernizing the E-Rate Program for Schools and Libraries, Notice of Proposed Rulemaking*, WC, Docket No. 13-184, FCC 13-100 (July 23, 2013 (“NPRM”).

## **Permanently Double the E-Rate Program Cap**

The NEA continues to advocate for doubling the E-Rate Program's funding cap – to help the Program keep pace with the technological advances needed to keep up with 21<sup>st</sup> century educational needs. The NEA continues to firmly believe that additional, sustained investment in the E-Rate Program is required to bolster the broadband infrastructure of our nation's schools. As articulated in the NEA's initial comments filed with the Commission on September 16, 2013, demand for funds has exceeded the original cap of \$2.25 billion per year set by the Commission in 1997 in every year since the inception of the Program. In FY2012, Program requests reached an all-time high of \$5.2 billion, roughly double the amount available. Such demand is not surprising as the Program has been operating at or barely above the original FY1998 funding level of \$2.25 billion. Even with a modest, one percent inflationary adjustment starting in FY2010, the Program's support to schools has hovered near the value reflected in 1998 dollars.

The success of the E-Rate Program, to date, should not be overlooked. Since its inception, the Program has helped connect 95 percent of schools across the country. The next chapter of the Program aligns with President Obama's ConnectED initiative, unveiled in June 2013. The ConnectED initiative seeks to connect schools and libraries serving 99 percent of students with next-generation high-capacity broadband and to provide high-capacity wireless connectivity within those schools and libraries within five years. President Obama has called upon the Commission to use the E-Rate Program to help meet those targets. The E-Rate Program is an ideal vehicle to meet the President's targets – as it is a program already in place with a proven track record of successfully connecting schools and libraries to the Internet and with the ability to help sustain such connectivity. However, the E-Rate Program's success in

realizing the goal of ensuring schools have high-capacity broadband is inextricably linked to increased support for the Program.

The NEA strongly recommends that the E-Rate Program cap be permanently doubled and funded, with continued annual inflationary adjustments. As stated in our initial comments, the NEA strongly cautions against the false notion that a one-time or short-term increase to the Program will provide sufficient high-capacity broadband to 99 percent of our nation's schools. The NEA also strongly cautions that additional investment to bolster high-capacity broadband infrastructure should not supplant the existing role of the E-Rate Program.

### **Response to Initial Comments to FCC**

The NEA was pleased that an overwhelming number of initial comments filed in response to the Commission's NPRM raised many salient issues similar to those raised by the NEA in its initial filing. In addition to advocating for the Program cap to be permanently doubled and funded, the NEA would like to reiterate those issues receiving support from other commenters.

### **NEA Issues Supported by Others**

Many commenters, comprised of both organizations and individuals (including educators), echoed the NEA's initial comments, including the following:

- analysis is needed to determine what, if any, eligible services should be eliminated from receiving E-Rate Program support;

- a simplified and streamlined application process is needed to help ensure potential Program applicants are not deterred from applying, simply based on the complexity of the application process;
- opposition to mandatory, district-wide applications as it would prohibit individual schools from applying for E-Rate Program support in their own right;
- opposition to fixed budgets and per-pupil formulas as they do not distribute discounts equitably;
- agreement that the definition of “educational purposes” should not change; and,
- use of the E-Rate Program application process to collect meaningful data to help inform policy decisions.

### **Issues the NEA Believes Warrant Caution**

There were also issues raised or suggestions put forth by commenters to the Commission for which the NEA believes strong caution is warranted.

- The NEA believes it is imperative that while modernizing the E-Rate Program, the Program’s core principle of *equitably* distributing discounts on advanced telecommunications and Internet services to eligible applicants *based on need* are not eroded. Implementing artificial formulas by articulating a “floor” or “ceiling,” or managing the Program as a fixed budget (e.g. block grant) does not champion treating applicants in an equitable manner. Spreading discounts “evenly” across all applicants, regardless of need, using a per-pupil or per-building formula does not promote equity.
- With equity in mind, the NEA also cautions against set-asides in E-rate Program funding, including but not limited to special funds, block grants, or pilot programs. Set-asides have

been advocated by organizations in their initial comment filings for specific types of Program applicants (e.g. state networks), as well as for technology-specific set-asides (e.g. fiber-optic cable). Both types of set-asides have the potential to gut what the NEA believes are real strengths of the current E-Rate Program. Distinguishing among types of applicants – for example, providing a set-aside for state network applicants – serves to tip the scale of equity against individual school applicants. In addition, carving out a set-aside within the Program to fund fiber connectivity disadvantages those applicants for which fiber may not be the best, most economical, or even viable option available for their locale. Potential E-Rate Program applicants in rural West Virginia, Iowa, or even Alaska, may likely not be eligible to apply for such a set-aside. For a program that has connected more than 95 percent of classrooms across the country, it is counterintuitive that in an attempt to provide high-capacity broadband to nearly 100 percent of schools, those schools in rural or poor areas be disadvantaged.

- Finally, carving out set-asides within the E-Rate Program will only add to the complexity of the existing application process. In order to distinguish among types of applicants or particular technologies eligible for a carve-out would likely require an additional, unique application process to be defined, created, built, implemented and then managed.

Resources would be diverted away from the E-Rate Program and available funding to eligible recipients would be reduced.

## **Conclusion**

The sheer volume of comments filed with the Commission during the initial comment period signaled a strong, broad consensus that the E-Rate Program should be modernized and expanded. The Commission should take this unique opportunity to address the goals that it has

articulated in the NPRM, while recognizing the great variety of applicants that participate in and benefit from the E-Rate Program. Most importantly, in modernizing the Program the Commission must provide the basis for obtaining the resources necessary to implement the goals set by the NPRM.