

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	
A National Broadband Plan For Our Future)	GN Docket No. 09-51

COMMENTS OF NATIONAL HISPANIC MEDIA COALITION (NHMC)

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SUMMARY

NHMC applauds the Commission for examining the functionality of the current E-rate program, and for evaluating how to improve it. Since 1996 the E-rate program has significantly bolstered Internet access for schools and libraries across the country, including in poor neighborhoods and in communities of color. However, as the Commission recognizes, its job is far from complete. There are still a number of schools and libraries throughout the country that do not have any Internet access whatsoever. Many schools and libraries have Internet access, but no broadband access. And even in schools and libraries that have broadband access, those connections are not always being utilized to full potential and there are still many schools and libraries that qualify for E-rate funding but do not apply because the process is overly burdensome.

The FCC should adopt policies to ensure that the E-rate program is getting the biggest bang for its buck. Namely, E-rate funded Internet connections should be used in a way that advances online learning opportunities and allows students without home Internet connections to remain on campus after school for digital learning. First, the FCC should place professional development on the Eligible Services List, so teachers and staff can learn how to integrate technology into their lesson plans. Otherwise, when teachers take their students to the computer lab they will not be able to engage in meaningful instruction that enhances students' digital learning experiences. Second, the FCC should prioritize staffing costs on the Eligible Services List so that schools in low wealth neighborhoods can keep computer labs open for at least two hours after school.

NHMC supports many of the Commission's initiatives to simplify the application process. NHMC staff learned from educators and librarians in low income school districts that the E-rate application process is unduly burdensome, so much so that it prevents districts with

the fewest resources from applying. NHMC supports eliminating the technology plan requirement, filing of Form 470, and the multi-step process associated therewith.

The underlying goal of this proceeding is laudable – to maximize utilization of broadband by improving and modernizing universal service programs. NHMC supports that goal, but urges the Commission to refrain from policies that may negatively impact the poor and communities of color. Specifically, the Commission should not require that all applications be filed online until it is certain that all schools and libraries have Internet connections capable of supporting online applications, and that they have a computer literate person assigned to complete the online application process. Nor should the Commission prioritize broadband over slower Internet connections until all schools and libraries are physically capable of accessing broadband. Finally, the FCC should not foreclose individual schools and libraries from applying for E-rate funds if their home districts have failed to do so. Schools and libraries that serve poor communities should not suffer simply because their districts are too understaffed or too disorganized to fill out the paperwork, and should be permitted to take it upon themselves to complete the process in such instances.

TABLE OF CONTENTS

SUMMARY	ii
TABLE OF CONTENTS.....	iv
BACKGROUND	2
DISCUSSION.....	6
I. The FCC Should Maximize The Digital Learning Experiences Of Students Served.....	7
II. The FCC Should Simplify The Application Process	9
III. The FCC Should Not Unintentionally Exclude Communities Most In Need.....	10
A. The FCC Should Not Require Online Only E-rate Applications.....	11
B. The FCC Should Not Prioritize Broadband Over Slower Internet Connections.....	12
C. Schools And Libraries Should Be Permitted To File Their Own E-rate Applications If Their Respective Districts Do Not.....	13
CONCLUSION.....	13

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The National Hispanic Media Coalition (“NHMC”) respectfully submits these comments in response to the Federal Communication Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking seeking input on how to upgrade the E-rate program to maximize broadband utilization.¹ NHMC is pleased that the Commission is examining the functionality of the current E-rate program, which has played an important role in facilitating broadband access in many schools and libraries across the United States. Based on first-hand information from administrators, teachers, and librarians from a couple of school districts in the greater Los Angeles area, NHMC offers these comments regarding how the current program is working, and how it could be improved. Specifically, NHMC recommends ways for the FCC to maximize the digital learning experience of the students served by E-rate, offers ideas on how to simplify the application process and urges the FCC to refrain from several proposals that may unintentionally exclude the communities most in need of E-rate subsidies.

¹ *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan For Our Future, Notice of Proposed Rulemaking*, CC Dkt. No. 02-6; GN Dkt. No. 09-51 (rel. May, 20, 2010) (“NPRM”).

BACKGROUND

In February, the National Telecommunications and Information Administration (NTIA) released a research preview on Internet use in the United States.² In its Foreword, Lawrence Strickling, Assistant Secretary for Communications and Information at the U.S. Department of Commerce, noted that the “Internet has not only transformed the way we communicate, but also how we live, work and **learn**.”³ Yet in those same remarks, Secretary Strickling acknowledged that many Americans still rely on slow, narrowband Internet or have no Internet at all.⁴ Indeed, 31.3% of U.S. households do not have any Internet access.⁵ 36.5% of households have no broadband Internet at home.⁶ The NTIA research preview indicates that Latinos, African Americans and Native Americans are far less likely to have broadband at home than Caucasian and Asian people,⁷ and the lower one’s income level, the less likely one is to have broadband access at home.⁸

Given that schools and libraries are perhaps the only onramps to the Internet for people in this country that belong to the 31.3% of households with no Internet access, NHMC staff has focused on retrieving input about how the E-rate program functions in a couple of low wealth communities and communities of color. NHMC staff reached out to educators and librarians that work in school districts with large populations of people of color and high percentages of students eligible for free or reduced price lunch through the National School Lunch Program.

² U.S. Department of Commerce, National Telecommunications and Information Administration, *Digital Nation, 21st Century America’s Progress Toward Universal Broadband Internet Access* (Feb. 2010) (“Digital Nation”).

³ *Id.* at Foreword (emphasis added).

⁴ *Id.*

⁵ *Id.* at 11. Reasons for no home Internet access range from the expense, to a perceived lack of need, to lack of computers. *Id.* at 3.

⁶ *Id.*

⁷ *Id.* at 3, 6 (finding that only 39.7% of Hispanics have broadband at home, compared to 42.6% of Native Americans, 45.9% of African Americans, 65.7% of Caucasians, and 67.3% of Asians).

⁸ *Id.* at 5-6.

NHMC staff learned from individuals in two separate school districts in the greater Los Angeles area.

Smaller School District⁹

NHMC staff spoke with teachers and librarians from a school district that serves approximately 15,000 students, with around 58% Latino students, and 40% African American students. Nearly 65% of students in the district qualify for the National School Lunch Program (NSLP).

Ms. Smith is a teacher and technology expert at one of the district's elementary schools where over 90% of the students are on the NSLP. At one point, Ms. Smith was taken out of her classroom to write the district's Technology Plan. It took six months of full-time labor and totaled nearly 150 pages. Ms. Smith believes that the plan is very important, however, nobody in the district but her has actually read the Plan. Nor has the Technology Plan been implemented since nobody is in charge of compliance. She thinks the Technology Plan would be more useful if someone was leading its implementation and thinking about its effectiveness. "They keep on trying to get away without a director of technology – no point person." Technology is seen as an "add-on" as opposed to "an integral part of how we learn." "It is an extra, if we have time, if the teacher knows how to do it. It's still not being integrated into the classroom."

Because there is no technology director, E-rate paperwork is tossed from desk to desk. At one point the district went three years without doing the paperwork, and missed out on funding. Ms. Smith identified "lots of leadership change" as a leading reason why E-rate paperwork falls through the cracks. Change in leadership and staff is especially common in school districts facing budget cuts, which are currently prevalent across the state of California.

⁹ School district and interviewee names have been concealed for privacy purposes.

Ms. Smith was also tasked with filling out Forms 470 and 471. She says that for her “they were not oppressive” but that “unless one is in ‘the know’ it is hard to deal with.” In general, there is not one person tasked with filling out the forms for the district, which also leads to chaos.

Ms. Smith stated that her school has a computer lab with around thirty computers and that all are hooked up to the Internet, however, this lab is only open during school hours and teachers must sign up in advance to bring their students there. There is no technology expert assigned to the computer lab, so the quality of the students’ experience depends wholly on their classroom teacher. Technology experience of teachers varies from very sophisticated, such as Ms. Smith, all the way down to computer illiterate.

Ms. Smith urges that funds be allocated for professional development so that teachers could better integrate technology into their lessons. She also sees value in “putting a laptop in each teacher’s hand.” She said that many teachers used to avoid technology, but when they received laptops from a separate grant it motivated them to learn more. Ms. Smith felt that it would be helpful to have someone work in the lab after school hours so that the students could have some after-hour access. For three years Ms. Smith was a full-time computer lab teacher. She would filter classes through the lab all day long and after school. When budget cuts came along she was sent back to a regular classroom, and now there is nobody to staff the lab so the students go without access.

Ms. Smith indicated that many of her students still do not have Internet access at home. This prevents her from assigning any homework that requires Internet research. This is difficult because all textbooks now have a technology component, and the students are missing out on that aspect of learning if they do not have Internet at home. The school library and the computer lab are not open after school, so that is not a viable option for students.

Ms. Smith says that her district and school would not have half of what it has without her efforts. Beyond the E-rate applications, she also wrote separate grants and personally hooked up a wireless network. Ms. Smith observed that it takes at least one full-time person to ensure that E-rate applications and compliance are accomplished.

Ms. Garcia is a teacher at the same school as Ms. Smith. Ms. Garcia stated that her school has a “state of the art” computer lab, and that due to separate funding Smart Boards are going into every classroom. However, she noted that because teachers receive no technology training, many have no idea how to use the computer lab or the Smart Boards. She is having difficulty figuring out the Smart Boards, and many of the teachers, in her opinion, are “far less tech savvy” than her. She does not believe that her weekly trips to the computer lab yield as fruitful of results as Ms. Smith’s, because she does not have the skills and training to help take her students to the next level.

Larger School District

NHMC staff also spoke with Ms. Jones, a technology coordinator in a large school district that serves approximately 85,000 students, over 50% Latino, nearly 20% African American, and over 10% Asian, Filipino or Pacific Islander. Over 68% of students in the District participate in the National School Lunch Program.

This school district has a small team that focuses on district-wide technology needs. Ms. Jones works directly with schools to remain abreast of classroom needs and parental access to the Internet. Her partner, Mr. Blake, works to secure different funding for technology, including the E-rate program. Mr. Blake deals with the application process and the other logistics of E-rate. Applications are submitted on a district-wide level, even though in this district only some

schools qualify for the discounts. Ms. Jones and Mr. Blake are in constant communication with the schools, and each other, to ensure that student and teacher technology needs are being met.

Ms. Jones made the following observations about the E-rate program:

- E-rate is a very tedious process and for some schools, especially smaller schools, the process may not be worth it.
- In this district the Technology Plan is updated regularly because they are audited regularly. Ms. Jones meets regularly with all of the schools in the district to ensure that they are executing the Technology Plan.
- Many students do not have broadband access at home. Some have dial-up, and some have nothing. Even those that have broadband Internet access are likely to be sharing one computer and one connection between numerous siblings, so siblings have to compete for the Internet. It is imperative that students have access at home; both the access and the devices must be funded. The state of California is trying to implement digital textbooks but it cannot because many students still lack broadband access at home.
- Schools need funds for devices. Many computers are outdated.
- Tech support is also very important. Schools need to be able to fix broken technology or to show teachers and others how to work the technology.
- Many districts do not prioritize technology and it is often first on the chopping block when budget cuts are made.

DISCUSSION

Below, NHMC recommends ways in which the FCC can maximize digital learning experiences in schools and libraries and suggests how the Commission could simplify the

application process. In addition, NHMC urges that the FCC carefully craft certain proposals to ensure that they do not unintentionally exclude the poorest communities.

I. THE FCC SHOULD MAXIMIZE THE DIGITAL LEARNING EXPERIENCES OF STUDENTS SERVED

In the NPRM, the Commission seeks comment on a number of proposals designed to allow schools and libraries greater flexibility to expand broadband services to their students and patrons.¹⁰ Some of those proposals include full E-rate support for wireless Internet access through portable learning devices used off-premises,¹¹ and expanding access for residential schools that serve unique populations.¹²

NHMC does not oppose these proposals per se,¹³ however, it questions the efficacy of such expansion even as the current E-rate system could be improved on its face. E-rate funding has made broadband access a reality for many schools and libraries around the nation. NHMC urges that the first priority should be to ensure that these existing access points are utilized to their fullest potential. For example, in Ms. Smith's district, most students have little access to broadband during and after school hours even though broadband access is funded through E-rate. Classrooms generally have one or two computers, one for the teacher, and the other to be shared by a class full of students. The computer lab, which accommodates around thirty, is not available for students to use after school hours.¹⁴ Moreover, students who attend the computer

¹⁰ NPRM at ¶41.

¹¹ *Id.* at ¶45. Currently, if a device that provides wireless Internet access is taken off of school grounds, schools are penalized. Thus, devices such as laptops are often left on campus when they could be taken home with students.

¹² *Id.* at ¶55.

¹³ Indeed, subsidization of off-premise laptops could seemingly address the problem Ms. Jones described, whereby even students in households with one Internet connection suffer because they have to compete with siblings for computer access.

¹⁴ NHMC applauds the Commission for its recent decision to allow E-rate funded computer labs and libraries to stay open for community use, *Schools and Libraries Universal Service Support*

lab during teacher-drafted time slots are limited by the technical expertise of their teachers. Because teachers do not receive any professional development on technology, students are unable to take full advantage of computer lab hours, which are already very limited.

The Commission must carefully prioritize which services and products are on the Eligible Services List, and which are not. The current Eligible Services List explicitly bars E-rate funds from being used to pay labor costs for school and library personnel and “end-user training, such as training of teachers and staff in the use of covered services in their programs of instruction or for professional development.”¹⁵ The Commission should place labor costs for after school personnel on the List. Students should have broadband access for at least two hours after the school day is complete, so that they can complete online homework even if they have no Internet access at home. This will enable teachers to bring classrooms into the digital age with digital textbooks and other technology-based or technology-dependent curriculum. The Commission should also place end-user training and professional development for teachers and staff on the List. This will ensure that, during the limited amount of time that students spend in the computer lab each week, their teachers will be able to facilitate meaningful online learning.

Placing labor costs for two hours of after school access and professional development funds on the Eligible Services List is consistent with past FCC decisions, including its recent decision to allow schools that receive E-rate funding to allow members of the general public to use schools’ Internet access during non-school hours.¹⁶ The Commission found that waiver of

Mechanism, Order and Notice of Proposed Rulemaking, 25 FCC Rcd. 1740 (2010), however, merely allowing access is not enough. If the labs and libraries are not staffed they cannot remain open to facilitate educational opportunities for students.

¹⁵ See USAC website, Schools and Libraries, 2010 Eligible Services List, *available at* <http://www.usac.org/sl/tools/eligible-services-list.aspx> at 24 (last visited July 9, 2010).

¹⁶ *Schools and Libraries Universal Service Support Mechanism, Order and Notice of Proposed Rulemaking*, 25 FCC Rcd. 1740 (2010).

its current rule was in the public interest because otherwise “services and facilities purchased by schools using E-rate funding remain largely unused during evenings, weekends, school holidays, and summer breaks.”¹⁷ Similarly, funding two hours of after school computer lab staff so that students may further their education online, is in the public interest because it utilizes existing broadband infrastructure to serve students that may otherwise have no opportunity to learn online after school hours. Funding for professional development also builds on existing E-rate infrastructure, enriching student learning during their limited computer lab time.

II. THE FCC SHOULD SIMPLIFY THE APPLICATION PROCESS

In the NPRM, the FCC seeks comment on a number of reforms intended to streamline the application process for the E-rate program, including eliminating the Technology Plan, and simplifying the competitive bidding process and application forms.¹⁸

The FCC has proposed to eliminate the E-rate Technology Plan requirements for priority one applicants.¹⁹ NHMC agrees with the FCC that a Technology Plan may be unnecessarily complex and burdensome.²⁰ Although such plans could be extremely useful, this is only true when they are actually implemented. Ms. Smith informed NHMC staff that it took her six months to write her district’s Technology Plan and then it was never implemented or even read. Ms. Garcia corroborated Ms. Smith’s suspicions, stating that she did not even know that a Technology Plan existed. Ms. Jones affirmed that Technology Plans are very time consuming and could prevent some in smaller districts from applying for E-rate funding. As an alternative, the FCC could adopt a bare bones plan to be used as a guideline for schools and libraries to follow.

¹⁷ *Id.* at ¶¶2, 9.

¹⁸ NPRM at ¶18.

¹⁹ *Id.*

²⁰ *Id.*

The FCC also proposes to simplify the multi-step application process by eliminating the requirement that applicants “file an FCC Form 470 and wait 28 days before signing a contract with their selected service provider.”²¹ If applicants meet certain requirements, which most public schools and libraries do, then they would not have to file Form 470 and wait around for 28 days, but instead could directly file Form 471. Eliminating this extra step would simplify the application process and make it easier for more schools to apply and receive discounts. The FCC acknowledges that “the complexity of FCC Form 470 and its associated deadlines, category selections, multi-year contract and contract extension requirements” have created unnecessary obstacles to obtaining E-rate funds.²²

NHMC supports this proposal because the FCC’s observation reflects what NHMC staff learned during their outreach process. Both Ms. Smith and Ms. Jones categorized the application process as long and tedious and requiring the attention of at least one full-time person. Ms. Jones stated that smaller districts with more funds are able to hire outside consulting companies to take care of the application process but those who cannot afford it and do not have a technology expert on staff often find this process overly burdensome. Ms. Smith added that between high staff turn-over in low-income schools, lack of a designated point person, the multiyear nature of the contracts and the multiple deadlines, it is extremely difficult for schools and libraries to successfully comply.

III. THE FCC SHOULD NOT UNINTENTIONALLY EXCLUDE COMMUNITIES MOST IN NEED

Although NHMC is pleased to see that the FCC is preparing for the future by revising its application process, it opposes instituting rules that may unintentionally make it more difficult

²¹ *Id.* at ¶21.

²² *Id.* at ¶22.

for under-resourced communities to successfully apply to the E-rate program. Namely, NHMC cautions the FCC against creating an online-only application process, prioritizing broadband over slower connections, and requiring that only school districts (as opposed to individuals schools) apply for E-rate funds.

A. The FCC Should Not Require Online Only E-rate Applications

In the NPRM the FCC seeks comment on developing an improved online system with USAC,²³ as well as a new proposal requiring all applicants to file their forms electronically.²⁴ The FCC suggests that all forms should be available for online submission and that applicants should be able to save, retrieve and edit previously filed applications.²⁵ NHMC supports development of an improved online system and agrees that electronic filing can save administrative costs and improve efficiency in submitting and processing applications. Applicants should be able to save, retrieve, and edit previously filed applications to facilitate, what can be at times, a tedious process.

NHMC recommends that the Commission urge all applicants to apply online but not completely foreclose other application options. Although more than 95% of schools in the U.S. have Internet access,²⁶ some applicants still have limited access or no access. Until the FCC is sure that 100% of schools and libraries have Internet access and that all of those facilities have a designated, computer-literate person to complete these applications, it cannot risk excluding applicants by making electronic submission mandatory. Indeed, this rule may foreclose the very

²³ The Universal Service Administrative Company (USAC) is a not-for-profit corporation. The FCC has designated USAC as the administrator of the federal Universal Service Fund.

²⁴ NPRM at ¶32.

²⁵ *Id.*

²⁶ National Center for Education Statistics, Fast Facts Section, *Elementary/Secondary Internet Access*, available at <http://nces.ed.gov/fastfacts/display.asp?id=46> (last visited July 9, 2010).

neediest of schools and libraries from E-rate funding – those that do not even have Internet access right now in 2010.

B. The FCC Should Not Prioritize Broadband Over Slower Internet Connections

In the NPRM, the FCC seeks comment on whether there are specific telecommunications services, Internet access services, or priority two services that should receive a lower priority in E-rate funding so that funding can be targeted toward higher bandwidth connectivity.²⁷ NHMC cautions the FCC against de-prioritizing services on the Eligible Service List that are still used to connect schools and libraries in low wealth and rural communities. Services such as dial-up and basic voice telecommunications should remain priority one services until schools in every low wealth and rural area have access to broadband connections.

NHMC agrees that funding should be allocated towards higher bandwidth telecommunications because of the learning enhancements it provides,²⁸ however, it should not be done at the expense of removing discounts for lower bandwidth services until all schools and libraries have broadband connection options. A significant portion of this country still has no broadband access whatsoever.²⁹ For these communities, slow Internet connections are better than no Internet connections. No school or library should be left behind.

²⁷ NPRM at ¶59.

²⁸ NHMC understands that students can greatly benefit from media streaming, video conferencing, online learning and multimedia applications which all require higher bandwidth services.

²⁹ Digital Nation, *see supra* note 2.

C. Schools And Libraries Should Be Permitted To File Their Own E-rate Applications If Their Respective Districts Do Not

In the NPRM, the FCC seeks comment on whether to require schools and libraries to submit applications for internal connections by school district only. NHMC urges the Commission to allow schools and libraries to file their own E-rate applications should their home school district choose not to do so. It would be unfair to restrict schools and libraries from receiving E-rate funds based solely on the failure of their home school districts to apply. Although it may be more time consuming and expensive to allow schools and libraries to apply individually, it would ensure that everyone that wants to apply has the opportunity to do so. Ms. Smith suggested that turnover and the lack of a technology point person within her district often leads to a failure to follow through on applications. Indeed, for three years her district did not receive E-rate funding at all, even though it clearly qualified, because the district failed to fill out the forms. In such circumstances, individual schools should be permitted to apply so that students receive the best educational experience possible.

CONCLUSION

Wherefore, NHMC requests that the Commission adopt the recommendations herein.

Respectfully Submitted,

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