

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

In the Matter of)
)
Addressing the Homework Gap) WC Docket No. 21-31
Through the E-Rate Program)

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”) is pleased to file Comments in response to the Federal Communications Commission (“FCC”) Notice of Proposed Rulemaking¹ addressing the remote learning needs of students, school staff, and library patrons through the E-Rate program.² The NPRM seeks comment on the use of E-Rate funding for Wi-Fi hotspots and wireless Internet service off-premises, at locations outside schools and libraries. While the proceeding raises important issues related to the “Homework Gap” generally, EWA wishes specifically to endorse the FCC’s Declaratory Ruling authorizing the use of E-Rate funding for Wi-Fi or similar technologies on school buses as an educational purpose consistent with the E-Rate program rules definition,³ and to emphasize that this service does not trigger many of the NPRM concerns about ineligible users should funding opportunities be expanded.⁴

¹ *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Notice of Proposed Rulemaking, 88 FR 85157 (“NPRM”).

² The E-Rate program is formally known as the schools’ and libraries’ universal service support mechanism. *See* 47 U.S.C. § 254(h)(2)(A).

³ *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Declaratory Ruling, FCC 23-84 (rel. Oct. 15, 2023) (“Declaratory Ruling”).

⁴ NPRM at ¶¶ 34-41.

As explained in the Declaratory Ruling, the COVID-19 pandemic highlighted and intensified a pre-existing challenge in bridging the digital divide for students. It described the waiver requests from E-Rate stakeholders that funding be made available for this purpose as it would allow students with lengthy commutes and those without reliable, or even any, broadband access at home to do homework while on their commute. The FCC concluded that using E-Rate funding for this purpose would help close the “Homework Gap,” but also was committed to protecting the Universal Service Fund, including the E-Rate program, from waste, fraud, and abuse.

The compelling need for this funding is documented in Comments filed in response to the Declaratory Ruling. The Los Angeles Unified School District, serving more than half a million students, stated: “Allowing for the use of E-Rate funds to connect students to online learning resources while traveling to and from school is an important first step in creating digital equity in our efforts to close the “Homework Gap.”⁵ The Wisconsin Department of Public Instruction cited an earlier filing on this subject in which it had stated that “E-rate funding for Internet access on school buses would be a significant step toward addressing Internet access inequity in rural areas.”⁶ While students in urban environs may commute to school on public transportation and have reliable Internet access at home or other convenient venues, the many students outside those areas could benefit significantly from the capabilities this funding could provide.

Importantly, this service is an option, not a requirement. States and/or school districts will make individual decisions as to whether equipping their school buses with Wi-Fi capability is a sensible decision given the limits on E-Rate funding. For example, Buncombe

⁵ WC Docket No. 13-183, Comments of Los Angeles Unified School District, filed Nov. 30, 2023.

⁶ WC Docket No. 13-183, Comments of Wisconsin Department of Public Instruction, filed Nov. 29, 2023; *see also* Declaratory Ruling, n. 21.

County Schools in North Carolina commented that it had no need for this service, as most of their routes are completed within an hour.⁷ They questioned whether their students would use Wi-Fi service for homework or for socializing. By contrast, Fresno Unified School District began deploying Wi-Fi on its buses seven years ago. It found that student ridership increased and, based on feedback from bus drivers, student behavior improved. Although this is primarily an urban district, it has a high rate of poverty and noted that many students do not have data plans that allow them to complete their online assignments easily.⁸

The NPRM questions what safeguards are necessary to ensure that funding is used for the intended educational purposes. EWA assumes that an appropriate certification process will be adopted, perhaps one even more robust than currently applicable. However, unlike some other locales where it may be difficult to restrict usage to students or those associated with the educational process, by definition, the only persons with access to Wi-Fi on school buses will be students or those supervising them. It can be expected that students will be as “directly supervised” as they are when on school premises. It may not be possible to verify that every single usage is for a legitimate educational purpose, but that is the case in schools and in libraries. It will be the responsibility of school districts and/or the bodies that oversee them in each state to determine whether they can implement policies and procedures that promote the objectives of the E-Rate funding rules, and the FCC should adopt whatever audit provisions it considers appropriate. Some, like Buncombe County, presumably will not seek funding for this purpose, while Fresno School District and others will consider it an important tool for meeting their educational responsibilities in an increasingly online world.

⁷ WC Docket No. 13-183, Comments of Robert Frisby (Buncombe County School), filed Nov. 15, 2023.

⁸ WC Docket No. 13-183, Comments of Los Angeles Unified School District, filed Nov. 30, 2023.

As stated in the Declaratory Ruling:

...given the lack of a reliable broadband connection at students' homes and the need for connectivity to complete homework and other assignments before and after school hours, we find that the use of these services on school buses is integral, immediate, and proximate to the education of students. In addition, because the connectivity provided on school buses will serve students who otherwise cannot complete their homework before or after school hours, we find that the use of these services will be primarily for educational purposes consistent with our rules and section 254 of the Act.⁹

EWA believes that decision could have a significant impact on addressing the "Homework Gap" and urges the FCC to facilitate it in all ways consistent with its statutory obligations.

Respectfully submitted,

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⁹ Declaratory Ruling at ¶ 9.