Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
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	)	
The Emergency Connectivity Fund for	)	WC Docket No. 21-93
Educational Connections and Devices	)	
To Address the Homework Gap During	)	
The Pandemic	)	
	)	

COMMENTS OF NEXT CENTURY CITIES

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I.   Introduction

Next Century Cities submits these comments in response to the Wireline Competition

Bureau's request for public input on implementing regulations for the Emergency Connectivity

Fund ("The Fund"), created by the American Rescue Plan Act ("ARP").[1] Schools and libraries

have historically provided connectivity within the confines of their building walls for the

communities they serve. In 2020, COVID-19 restrictions forced many of those services to

transition online. As schools continue to host digital classes and some libraries remain closed to

the public, reliable broadband connectivity may no longer be accessible to those who need them

most.

The Federal Communications Commission's ("Commission") focus on closing the

Homework Gap is critically important. When roughly 60% of children use the Internet every day

to do homework, being able to connect to high-speed, reliable internet is essential.[2] Pew estimates

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[1] *See* American Rescue Plan Act, 2021, H.R. 1319, 117th Cong., tit. VII, § 7402 (2021).

[2] Brooke Auxier, Monica Anderson, *As Schools Close Due to the Coronavirus, Some U.S. Students Face a Digital 'Homework Gap'* (Mar. 16, 2020), https://www.pewresearch.org/fact-tank/2020/03/16/as-schools-close-due-to-the-coronavirus-some-u-s-students-face-a-digital-homework-gap/.

that 15% of U.S. households with school children do not have access to a necessary Internet connection at home.[3] This disproportionately affects students from low-income families and families of color. For example, 25% of Black and 17% of Hispanic teens said they could not complete their homework due to an insufficient connection.[4] Similarly, 24% of teens with a family income below $30,000 noted troubles connecting to the Internet.

New funding from the Emergency Connectivity Fund should equip students with the tools and services they need to get online. At the same time, students are not the only community members Congress intends the Fund to serve.[5] In addition to students, the ARP also defines beneficiaries of the fund as "staff of the school" and "patrons of the library."[6] Many library patrons are not students, but nonetheless rely on libraries for reliable computer and broadband access. Not only are community members also library patrons but many also assist students with distance learning and share their devices, also used for remote work and telehealth, with students.

Libraries, in particular, are a reliable access point for low-income residents across the nation to use computers and WiFi for telework, telemedicine, and connecting with friends and family. When social distancing began, local leaders leveraged the flexibility of CARES Act funding to keep students connected and maintain public WiFi locations. They can now provide valuable insights on how to reach residents who still lack in-home broadband connections. That is why the Commission should employ flexible guidelines that will enable local leadership in school and library institutions to properly address unique and dynamic connectivity challenges with the Emergency Connectivity Fund.

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[3] *Id.*

[4] *Id.*

[5] *See* H.R. 1319, tit. VII, § 7402(a)(1)-(2).

[6] See *id*.

II. The Fund Should Not Be Limited To Distance Learning Applications.

Next Century Cities urges the Commission to expand the uses of ARP funding beyond distance learning. The current proposal would limit funding to equipment and services necessary for connecting students, school staff, and library patrons to remote learning applications.[7] Constraining funding in this way cuts off portions of the community that are not engaged in K-12 distance learning yet need access, for example, for workforce development training. This proposal would disadvantage those who normally use library services and require Internet access for telework or telehealth programs. Instead, the Commission should adopt a more expansive view that prioritizes connectivity for the entire community that would also ensure equitable educational opportunities for students.

Since the beginning of COVID-19 closures, many workplaces have significantly changed the way large portions of their workforce operates. Before the pandemic, approximately 20% of adults worked from home, whereas over 70% of adults are currently teleworking.[8] An estimated 54% of adults will continue to telework even after the pandemic ends.[9] For those with limited Internet access, this will remain a challenge far into the future.

Libraries ordinarily serve all community members, not only those who engage in distance learning programs. People of color and low-income residents are more likely to rely on libraries for job searching, skills training, and business development.[10] ARP funds should support access for all who previously relied on libraries for Internet access.

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[7] *Establishing Emergency Connectivity Fund to Close the Homework Gap*, Notice of Proposed Rulemaking at 5 (2021) (E-Rate NPRM).

[8] Kim Parker, Juliana Menasce Horowitz, Rachel Minkin, *How the Coronavirus Outbreak Has and Hasn't Changed the Way Americans Work* (Dec. 9, 2020), https://www.pewresearch.org/social-trends/2020/12/09/how-the-coronavirus-outbreak-has-and-hasnt-changed-the-way-americans-work/.

[9] *Id*.

[10] *See* John B. Horrigan, *Lower Income Americans and Communities of Color More Likely to See Libraries as Community Anchors* (Sept. 15, 2019), https://www.pewresearch.org/internet/2015/09/15/lower-income-americans-and-communities-of-color-more-likely-to-see-libraries-as-community-anchors/ ("Lower-income Americans, blacks

Similarly, COVID-19 fundamentally shifted the ways that households acquire healthcare. More doctors utilize telehealth options, mitigating potential exposures for patients and staff while still providing one-on-one meetings. For community members who do not have a reliable home Internet connection or cannot get online, telehealth is simply unobtainable. ARP funding should support initiatives that allow students, as well as non-student caregivers, to participate in healthcare and employment programs online. Now that the classroom has expanded to the home, supporting connectivity initiatives that improve caregivers' health and employment opportunities are critically vital to students' success.

Across the country, tens of thousands of teachers are living at or around the federal poverty line.[11] Countless more struggle with paying for basic necessities.[12] For example, most new teachers cannot afford median rent anywhere in the country, while even the highest paid teachers in some cities cannot afford housing on their educators' salary alone.[13] Relatively low wages and high education costs are leading more teachers than ever to leave the occupation altogether.[14] In the same way that students need connectivity for purposes outside of distance learning, educators need

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and Hispanics are more likely to say that closing their local public library would have a major impact on them or their family").

[11] *See* National Center for Education Statistics, *Fast Facts,* https://nces.ed.gov/fastfacts/display.asp?id=372 *(last visited April 5, 2021) (showing that there are 3.7 million PK-12 teachers in the United States in 2020)*; Caitlin McLean, Lea J. E. Austin, Marcy Whitebook, and Krista L. Olson, Early Childhood Workforce Index, 23-24 (2020), https://cscce.berkeley.edu/workforce-index-2020/wp-content/uploads/sites/2/2021/02/Early-Childhood-Workforce-Index-2020.pdf (finding that in 2019, "poverty rates for K-8 teachers range from 0.8 percent in Virginia to 5.9 percent in Florida").

[12] *See e.g.* Boikanyo Tefu, *Richmond Teachers Struggle to Afford Housing on "Poverty Level" Salaries* (Dec. 14, 2018), https://richmondconfidential.org/2018/12/14/richmond-teachers-struggle-to-afford-housing-on-poverty-level-salaries/; Abigail Johnson Hess, *In Oklahoma You Can Make More Money Working at a Gas Station Than as a Teacher* (Mar. 7, 2018), https://www.cnbc.com/2018/03/07/many-oklahoma-teachers-earn-less-than-gas-station-workers.html.

[13] Erin Richards and Matt Wynn, *'Can't Pay Their Bills With Love': In Many Teaching Jobs, Teachers' Salaries Can't Cover Rent* (June 5. 2019), https://www.tennessean.com/in-depth/news/education/2019/06/05/teachers-pay-cost-of-living-teaching-jobs/3449428002/.

[14] *See generally* Emma García and Elaine Weiss, *U.S. Schools Struggle to Hire and Retain Teachers* (April 16, 2019), https://www.epi.org/publication/u-s-schools-struggle-to-hire-and-retain-teachers-the-second-report-in-the-perfect-storm-in-the-teacher-labor-market-series/; *see also* Richard M. Ingersoll, Elizabeth Merrill, Daniel Stuckey, Gregory Collins, Seven Trends: The Transformation of the Teaching Force at 18-21 (2018), https://repository.upenn.edu/cpre_researchreports/108/.

reliable internet for non-educational uses, including telehealth and other services. Even if every student in the United States has the digital tools they need to thrive, it will mean nothing if their teachers remain disconnected. Conversely, supporting teachers in both their educational and personal capacities through the Fund could provide a much-needed foundation for continued engagement and long-term retention.

Furthermore, supporting broader uses for the Fund will enable a wide range of opportunities beyond strictly education. As previously mentioned, adults who are neither caregivers nor distance learners are nonetheless reliant on libraries for a wide range of non-educational opportunities, especially to seek employment and access information. Though overall unemployment has decreased since the pandemic began, the rate remains alarmingly high, particularly for states that normally enjoy high tourism.[15] Likewise, promoting connectivity enables doctors and nurses to share public health updates more widely, which facilitates sharing life-saving information with those who cannot afford healthcare themselves.

The ARP is silent on whether distance learning is the only intended connectivity function. Regulations that disadvantage non-student library patrons would prevent the libraries – fundamental community institutions – from meeting the stated goals of the legislation. Federal funding should concurrently support educational purposes while extending essential lifelines for community members whose only connection point was an in-person library computer.[16] Embracing expansive uses for the Emergency Connectivity Fund could target the Homework Gap and help advance holistic efforts to address the digital divide.

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[15] *See* Tim Henderson, *In Some States, Unemployment Stays Stubbornly High* (Mar. 26, 2021), https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/03/26/in-some-states-unemployment-stays-stubbornly-high?utm_campaign=2021-04-01+SPU&utm_medium=email&utm_source=Pew.
[16] E-Rate NPRM at 5.

III.   Eligible Devices Must Include Mobile Phones.

Because the ARP introduces ambiguity, the Commission also seeks comment on eligible equipment.[17] The ARP defines eligible equipment as a WiFi hotspot, modem, router, devices that combine a modem and router, and "connected devices."[18] Further, "connected devices" includes laptops, tablets or similar end-user devices capable of connecting to advanced telecommunications and information services.[19] Mobile phones are not explicitly included in this list but may fall under "connected devices." The Commission proposes excluding mobile phones from eligibility on grounds they do not "sufficiently allow students, school staff, and library patrons to meaningfully participate in remote learning activities."[20] However, many students and library patrons still rely on smartphone connectivity for baseline Internet access.[21] The Commission should include mobile phones to ensure that all students have the devices they need to complete their schoolwork.

Low-income, Black, and Hispanic residents are not only disproportionately impacted by the digital divide, oftentimes they rely exclusively on mobile devices for access to the Internet.[22] Black and Hispanic Americans are around twice as likely to rely on a mobile device while not having a home broadband connection.[23] 26% of adults earning less than $30,000 a year own smartphones but do not use broadband internet at home. Compare this to the 6% of adults making over $75,000 that do not maintain a home broadband connection.[24] Additionally, 30% of households below the poverty line do not own a smartphone, and almost 40% struggle with

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[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.* at 6.

[21] *See* Monica Anderson, *Mobile Technology and Home Broadband 2019* (June 13, 2019), https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/.

[22] *See* Pew Research Center, *Mobile Fact Sheet* (June 12, 2019), https://www.pewresearch.org/internet/factsheet/mobile/.

[23] *Id.*

[24] *Id.*

maintaining a home broadband connection or lack access to a computing device.[25] Those who willingly do not have a home broadband connection state that smartphone Internet access is the primary reason.[26]

While mobile devices alone are not direct substitutes for laptops or tablets, they play a significant supplementary role in distance learning and telework. For example, for some, mobile phones function as a crucial hotspot for tablets or laptop computers when broadband connections are unreliable or mobile services are the only option available. Other households rely on mobile phones for ubiquitous connectivity throughout the day. In larger low-income families, laptops tend to be shared among several household members. Consequently, when devices may not be available for each person during critical work and school hours, mobile phones are a critical supplemental tool for accessing video conference platforms and other applications necessary for distance learning and telework.

Expanding the definition of connected device to include mobile phones would similarly support the Commission's goal of ensuring that students with disabilities can connect.[27] The availability of disability-related apps on mobile devices and ease of portability are two ways that mobile devices can uniquely support people with disabilities.[28] People with disabilities are also less likely to have multiple devices needed to contribute online.[29] If the Commission's rules do not

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[25] Monica Anderson and Madhumitha Kumar, *Digital Divide Persists Even as Lower-Income Americans Make Gains in Tech Adoption* (May 7, 2019), https://www.pewresearch.org/fact-tank/2019/05/07/digitaldivide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/.

[26] *See* Monica Anderson, *Mobile Technology and Home Broadband 2019* (June 13, 2019), https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/.

[27] *See* E-Rate NPRM, at 6.

[28] *See* Essential Accessibility, *Don't Forget About Accessibility in Mobile Environments* (Sept. 7, 2017), https://www.essentialaccessibility.com/blog/mobile-accessibility.

[29] *See* Monica Anderson, *Disabled Americans Are Less Likely to Use Technology* (April 7, 2017), https://www.pewresearch.org/fact-tank/2017/04/07/disabled-americans-are-less-likely-to-use-technology/.

allow for flexibility in device selection, some students with disabilities will not have access to the device that best suits their needs.

Lastly, though the Emergency Broadband Benefit Program ("EBBP") is an important step to ensuring that households are more connected, it only covers one subscription per household. The average U.S. household has 2.64 people, and families who are Black, Asian, and Hispanic are more likely to live in households with family members from multiple generations.[30] The Emergency Connectivity Fund can act as an additional benefit, ensuring that every child and adult in each home has the device and broadband service they need.

Including mobile phones as connected devices is not only equitable policy, but also consistent with Congress' statutory mandate. While Congress explicitly excluded mobile phones from eligibility for the EBBP, it imposed no such limitation for the Emergency Connectivity Fund. The Commission should use its discretion to ensure that students and library patrons have the latitude they need for acquiring mobile devices.

IV.   The Commission Should Not Restrict Service Locations.

The ARP is clear that the Commission must allow schools and libraries to make service available at locations alternative to the institutions themselves.[31] This gives the Commission a unique opportunity to strike at both the Homework Gap and digital divide simultaneously. Allowing schools and libraries choice in where to use this new emergency funding will allow for innovative and creative solutions across communities nationwide.

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[30] *See* Richard Fry, *The Number of People in the Average U.S. Household is Going Up for the First Time in Over 160 Years* (Oct. 1, 2019), https://www.pewresearch.org/fact-tank/2019/10/01/the-number-of-people-in-the-average-u-s-household-is-going-up-for-the-first-time-in-over-160-years/.

[31] American Rescue Plan Act, 2021, H.R. 1319, 117th Cong., tit. VII, § 7402 (a)(1)-(2) (2021) ("in the case of a school, students and staff of the school at locations that include locations other than the school; and in the case of a library, patrons of the library at locations that include locations other than the library").

Every community across the nation presents unique assets and challenges to connecting their residents. Allowing schools and libraries to choose how they allocate new funding will ensure it is used efficiently to meet students' and patrons' needs. For example, in March 2020, Denver Public Library Director Michelle Jeske began leaving library WiFi on after the facility closed. In August 2020, she also initiated pop-up laptop access at outdoor locations across the city.[32] Jeske, noted "it's really critical," "[Otherwise] it's impossible to apply for a job, write a resume, do telemedicine or remote learning. . ."[33] Additionally, the Hawkeye Community College Library in Iowa checked out 143 laptops to students online after classes moved to remote learning.[34] Library staff reported, "this helped some students persist who may not have in this new learning environment."[35] With new E-Rate funding schools and libraries can expand these essential programs and implement new projects that could increase community connectivity.

V. Conclusion

Schools and libraries play a critical role in connecting communities. Closing the digital divide remains the Commission's cardinal responsibility. Ensuring that ARP funding is available for as many uses and devices as possible will advance that, bringing connectivity within reach for all who need service throughout the COVID-19 pandemic.

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[32] Larra Clark, *America's libraries boost broadband access and use during a pandemic and beyond* (Nov. 17, 2020), https://nextcenturycities.org/americas-libraries-boost-broadband-access-and-use-during-a-pandemic-and-beyond/.
[33] *Id.*
[34] *Id.*
[35] *Id.*