



July 3, 2023

SUBMITTED ELECTRONICALLY VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Ex Parte Filing

Modernizing the E-Rate Program for Schools and Libraries, Allowing Use of E-rate Funds for Advanced or Next Generation Firewalls and Other Network Security Services, WC Docket No. 13-184

Dear Madam Secretary:

Pursuant to Federal Communications Commission's *ex parte* rules, I hereby submit the following summary of our June 29, 2023, conversation with Johnnay Schrieber, Deputy Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau (WCB), and Joseph Schlingbaum, Kristin Berkland and Saswat Misra of the WCB concerning the need to make cybersecurity expenses eligible for E-rate support.

The following school and library advocates participated in the call along with the undersigned: David Leonard, President and former CTO of the Boston Public Library, Jason Latham, Assistant Director, Information Technology, with the Sno-Isle Library in Washington state, Matthew Penner, CTO of the ValVerde Unified School District in California, Keith Krueger and Carla Wade with the Consortium for School Networking (CoSN), Reg Leichty, Foresight Law + Policy, PLLC, Bob Bocher and Megan Janicki with the American Library Association (ALA), Kristen Corra, Policy Counsel with the SHLB Coalition and Emily Rubin, intern with the SHLB Coalition.

The school and library advocates urged the FCC to move quickly to make cybersecurity expenses eligible for Category Two E-rate support beginning with the July 1, 2024, E-rate funding year. The advocates noted that the FBI has recognized that school and library networks are among the most vulnerable public networks. School and library networks are frequently subject to cyber-attacks that often cripple the networks and connectivity that the E-rate program supports. Furthermore, the record of comments in response to the FCC's public notice were almost unanimous in supporting the inclusion of cybersecurity in the E-rate program. And CoSN represented that cybersecurity is the number one networking issue faced by schools across the country.

The advocates also noted that any concern about the costs of supporting cybersecurity can be addressed by the dollar limit on the amount of funding available for schools and libraries in their Category Two budgets. To the extent that the FCC is considering a trial project to test the applicability of E-rate support for cybersecurity expenses, the school and library advocates urged the FCC to make the trial project robust enough so that real lessons could be learned from the trial. The advocates also expressed the view that the FCC should not limit the funding to certain types of cybersecurity defenses and the definition of permitted expenses should be broad. The technology is constantly changing, and there are a variety of both on-premises and cloud-based cybersecurity services that should be equally eligible for support. If the FCC were to limit the trial to certain pre-defined technologies, the trial could favor certain technologies or providers over others in a way that could skew the market.

Mr. Penner noted that his school district's network is constantly being attacked from outside the network. He has been trying to thwart these attacks but he does not have dedicated cybersecurity engineers on staff. He suffered a major incident just two weeks before graduation. Under the guidance of law enforcement, he took the network down (not just internet access, the whole network) to make sure the incident did not go farther. He brought it back up slowly again with the help of law enforcement. Even with this assistance the network was still down operationally for over two weeks.

Since then, he has spent millions of dollars to have a cybersecurity company be the "team" to monitor the internal network. Building a network but not having the funding to secure it is like building a bank vault without a door. If we cannot keep our network online, it doesn't promote E-rate's mission of helping students receive an online education, learn online skills and access online educational resources that are often not available in print format. He loves what E-rate has provided, but he must spend significant dollars on cybersecurity and parents sometimes ask why this money is not being used to pay teachers.

Mr. David Leonard runs the Boston Public Library (BPL). He was formerly the Chief Technology Officer and has twelve years of technology experience. He said that he sees cybersecurity as essential to having a functional network. It is not an optional or add on service; it is a requirement to provide broadband access. Despite having robust infrastructure, good protocols and knowledgeable staff, the BPL was a victim of ransomware attacks two summers ago. He said that this is not a hypothetical problem. Without proper investments in cybersecurity infrastructure in the network, it will disrupt services that E-rate supports to keep people online. He asked for E-rate to support cybersecurity hardware, software, and services.

Mr. Leonard also urged the FCC to think of cybersecurity as network functionality rather than as an extra service. Control of the endpoints is enormously important because that is where many of the attacks begin.

Jason Latham is the Assistant Director of the Sno-Isle Libraries, which covers 23 library buildings in two counties in Washington state. He strongly supports expanding Category 2 funding for cybersecurity. As an IT professional, he recognizes that prioritizing cybersecurity measures is crucial to protecting the wellbeing of students that have no say in this matter. Libraries are cornerstones and serve as gateways in the community. Internet access provides students and customers with the ability to apply for jobs, engage in research and learning and personal development with secure access that they might not get at home. Libraries are no exception to cyber perils and many lack adequate tools or informed staff to prevent cyber-attacks. Providing cyber protections will foster a more secure environment which helps ensure secure internet access to bridge the digital divide.

Mr. Latham also noted that the most common attack right now is from email. Reports from Gartner and Forrester confirm that 80% of attacks came through email.

Mr. Windhausen noted that the reason that SHLB, CoSN and ALA are united in calling for E-rate to support cybersecurity is because that is what we are hearing from our school and library members. It is not the vendors that are driving this request for E-rate support. In our view, supporting cyber expenses is exactly what the E-rate program is intended to accomplish – to provide connectivity for students, teachers, and library patrons. It is essential to service students and educators. He said he is very pleased that the FCC has opened this proceeding and urged a prompt decision.

Mr. Bocher noted that basic firewalls have been eligible for E-rate support since day 1 of the program. He said that the whole internet world has changed radically in the last 25 years, so the need for more flexibility in determining eligible cybersecurity tools is important. While he recognized that cyber expenses can be significant, the cost can be controlled by adjusting the Category 2 budgets to place a limit on the amount of funding used for this purpose. He also noted that Category 2 is used to cover in-building expenses, but Category 2 support can be used to cover cyber expenses regardless of where they reside—in the building or in the cloud. There is nothing from a statutory perspective saying Category 2 is restricted to in-building costs.

Mr. Krueger said that the need for cybersecurity is overwhelming. He said that the public record is clear and he has not seen any schools and libraries opposed to making cybersecurity eligible for E-rate support. Cybersecurity should be made eligible for E-rate Category 2 support immediately, but if there is a pilot it should be broad enough to not only include firewalls but also security tools to cover email and web use. He noted that, because we are approaching the 4th year of the 5-year C2 funding cycle, school districts that have not spent all their C2 money should be able to use it for cybersecurity. He suggested that if the Commission initiates a pilot program that participating schools and libraries document how many students and patrons are protected by the funding so that at the end of the pilot we would have some evidence of its impact.

Mr. Krueger also noted that CISA put out recommendations for school districts in its recent report. He suggested it would be helpful for the FCC to point to those cyber recommendations in any pilot program so that districts are aware of best practices according to homeland security.

Mr. Penner also said that it is extremely important to include endpoint protection. Definitions of particular services tend to get locked in stone, so he encouraged the FCC to please allow cloud services and services not on premises to be eligible. Vendors provide most services through the cloud - with so many devices, their CIPA filter is no longer on the premises (cannot do it on premises). This is a natural progression of the market and the technology. Small schools and libraries do not have equipment on premises.

Finally, Mr. Windhausen noted that there appears to be a concern that vendors would strong-arm schools and libraries into purchasing more technology than they need. Mr. Leonard said that schools and libraries have 25 years of resisting strong-arm tactics in other E-rate categories and in the purchase of other goods and services. Most schools and libraries have procurement rules that guard against fraud, waste, and abuse already. Mr. Penner agreed and said it is standard practice to evaluate competitive bids and determine what is best for the school or library and they are very judicious in what they choose to purchase, based on the local procurement rules and regulations.

Sincerely,



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