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

In the Matter of	)	
	)	
Ensuring Children's Safe Use of Screens and E-Rate-Funded Services	)	WC Docket No. 26-133
	)	
Modernizing the E-Rate Program for Schools and Libraries	)	WC Docket No. 13-184
	)	
Establishing the Emergency Connectivity Fund to Close the Homework Gap	)	WC Docket No. 21-93
	)	
Promoting Fair and Open Competitive Bidding in the E-Rate Program	)	WC Docket No. 21-455

REPLY COMMENTS OF
THE SCHOOLS, HEALTH & LIBRARIES BROADBAND COALITION

The Schools, Health & Libraries Broadband Coalition (SHLB) submits these reply comments in response to the Commission's Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking reviewing the E-Rate program.[1] As the record overwhelmingly demonstrates, Congress's vision of ensuring that schools and libraries have ongoing access to advanced, affordable and adequate telecommunications and information services is being effectively delivered through the E-Rate program in a remarkably efficient manner with a high rate of integrity. We commend the Commission for the success of the E-Rate program to date and urge the Commission to measure any changes to the program against the continuing goal of

[1] *Ensuring Children's Safe Use of Screens and E-Rate-Funded Services; Modernizing the E-Rate Program for Schools and Libraries; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Promoting Fair and Open Competitive Bidding in the E-Rate Program*, WC Docket Nos. 26-133, 13-184, 21-93, and 21-455, Notice of Proposed Rulemaking, FCC 26-41 (June 26, 2026) (*Notice* or *NPRM*).

providing robust, affordable connectivity to rural and urban schools and libraries nationwide. Specifically, the Commission should ensure that the program continues to evolve to meet future bandwidth needs for rural and urban schools and libraries throughout the country, should allow for robust cybersecurity protections, and should reduce burdens for applicants and providers. Similarly, the Commission should retain program aspects that are beneficial to applicants, including the current discount matrix structure as well as funding of Managed Internal Broadband Services (MIBS) and special construction. The record also reflects the important role and benefit of consultants to program participants in navigating the E-Rate paperwork and process, and as a result, the Commission should not adopt its overly burdensome and intrusive proposals regarding consultants' participation in the E-Rate program. Overall, commenters agree that Commission proposals to eliminate E-Rate as a vital and valuable funding source for schools and libraries – or remove urban areas from eligibility – are prohibited by section 254 of the Communications Act. Such an action would be extremely detrimental as a matter of public policy and should not be adopted.

TABLE OF CONTENTS

I. THE E-RATE PROGRAM IS EXTREMELY SUCCESSFUL 4

A. Commenters Establish The Importance of E-Rate Support For Connectivity 4
B. Commenters Agree That E-Rate's Program Integrity is Strong 8
C. The E-Rate Program Keeps Telecommunications and Internet Services Affordable for Schools and Libraries As Required by The Telecommunications Act 8
D. The Commission Should Not Change Well-Functioning Aspects of the Program 14

II. THE COMMISSION SHOULD FOCUS ON IMPROVEMENTS TO THE E-RATE PROGRAM THAT ENHANCE ACCESS AND REDUCE BARRIERS TO PARTICIPATION 15

III. COMMENTERS AGREE THAT THE COMMISSION DOES NOT HAVE LEGAL AUTHORITY TO ELIMINATE SUPPORT FOR SCHOOLS AND LIBRARIES AND IS THE INCORRECT VENUE FOR REGULATING SCREEN TIME 18

IV. CONCLUSION 20

I. THE E-RATE PROGRAM IS EXTREMELY SUCCESSFUL

A. Commenters Establish the Importance of E-Rate Support for Connectivity

The volume of the response to this proceeding is nothing short of extraordinary. The thousands of submissions in the docket, almost all of which support the E-Rate program, highlight the continued need for E-Rate from a broad and diverse cross-section of community members, with filers hailing from various geographic regions and institutional backgrounds. Commenters not only include public schools,[2] private schools,[3] and libraries,[4] but also state education agencies,[5] state attorneys general offices,[6] state broadband offices,[7] local government bodies,[8] former FCC and state commissioners on the 1996 Federal-State Joint Board,[9] school and library associations,[10] state legislators,[11] and other E-Rate advocates. The sheer number of commenters filing in response to the *Notice* overwhelmingly demonstrates the far-reaching

[2] *See, e.g.,* Chicago Public Schools Comments; Eureka Unified School District 389 Comments; Baldwin Union Free School District Comments; Canyon Independent School District Comments.

[3] *See, e.g.,* Comments of the Diocese of Orange Catholic Schools; Grace Christian School Comments; St. Bernadette Parish School Comments.

[4] *See, e.g.,* Minnesota Library Association Comments; Houston Public Library Comments; Eastern Oklahoma Library System Comments; The Young Men's Library Association Comments.

[5] *See, e.g.,* Pennsylvania Department of Education Comments; The California Department of Education Comments; Kentucky Department of Education Comments; South Dakota Department of Education Comments.

[6] State Attorneys General Comments.

[7] *See, e.g.,* Illinois Office of Broadband Comments; New Mexico Office of Broadband Access Comments; Expansion Comments.

[8] East Bay Broadband Consortium Comments.

[9] 1996 Federal-State Joint Board Members Comments.

[10] EdLiNC Comments; California Charter Schools Association Comments.

[11] *See, e.g.,* National Conference of State Legislatures; The Alaska State Legislature-House Majority Coalition Comments.

positive impact the E-Rate program has made on rural and urban schools and libraries nationwide, as well as to the states and local communities served by these anchor institutions.[12] And those entities universally agree: E-Rate funding enables schools and libraries to offer vital service to educators, students, and library patrons and remains critically important in today's digital age for education, workforce development, access to web-based services, and much more.[13]

Specifically, commenters share stories highlighting how E-Rate funding remains necessary today, including for schools to administer online assessments, provide digital curriculum, and maintain safe and secure learning environments.[14] The Alabama Association of School Boards provides several examples of the ongoing and growing need for connectivity:

> "State law requires every local board of education to offer a virtual education option for students in grades 9-12, and many high schools rely on the state's ACCESS Virtual Learning program to provide courses they could not otherwise staff, especially in rural communities. Students take the state's annual Alabama Comprehensive Assessment Program (ACAP) grade-level assessments online. Teachers use digital instructional tools and coaching supports tied to the Alabama Literacy Act and the Alabama Numeracy Act, which have helped produce nationally recognized gains in reading and math. And Alabama's growing investment in career and technical education, including new regional career tech centers and industry-recognized credentials, depends on modern networks and equipment."[15]

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[12] *See* E-Rate Funding By State at https://assets.noviams.com/novi-file-uploads/shlbc/SHLB___E-Rate_Program_Funding_Data__FY_21-25_.pdf (last visited Nov. 12, 2026) (showing funding amounts to states in funding years 2021-20215).

[13] Funds for Learning Comments at 1-2, 5 (According to Funds for Learning's annual survey of E-Rate participants, 95.9% say E-Rate is vital to their connectivity goals, 90.8% say they depend on E-Rate funding every year, and 78.6% say competitive bidding lowers their prices).

[14] *See, e.g.,* Baldwin Unified School District Comments at 1; Coloma Community Schools Comments at 2-3; Consortium of State School Boards Associations Comments at 2; Decorah Community School District Comments at 1-2; Georgia School Boards Association Comments at 1; Hawaii State Department of Education Comments at 1-2; School District of Cambridge, WI Comments at 1.

[15] Alabama Association of School Boards Comments at 1-2.

E-Rate funding also enables schools in rural and remote areas to connect to central network infrastructure, allowing rural students to participate in synchronous online courses, advanced placement subjects, and digital STEM curricula that cannot be staffed locally.[16] And for libraries, the American Library Association (ALA) states, "E-Rate doesn't just make it possible to afford high speeds and meet the existing needs of modern life; it also proactively prepares libraries to adopt and provide support for emerging innovations and technology changes as they are introduced, and to meet the growing demands for more bandwidth as state-of-the-art services become more robust with 5G, Internet of Things, AI, streaming video, and cloud computing, as examples."[17] As schools and libraries deploy modern digital learning tools for AI, STEM curricula, and advanced computing initiatives, they must have access to reliable, low-latency bandwidth and robust internal Category 2 infrastructure.

Commenters also detail the difficulties they would face if E-Rate support were to be eliminated or reduced.[18] For example, EdLiNC focuses on the impact that funding cuts would have on school and library budgets, commenting that, "[t]ermination or significant limitation of the program would create an immediate operating budget shortfall requiring districts and libraries to divert funds from other essential services, personnel, programs, or reduce the scope or quality of connectivity provided."[19] For Alaska public libraries, cuts would mean increased

[16] *See, e.g.,* Alaska Department of Education and Early Development Comments at 3; Northwest Arctic Borough School District Comments at 3 and 5; Siskiyou County Office of Education Comments at 1-2; South Dakota Department of Education Comments at 1-2; Wallowa Education Service District (Region 18 ESD) Consortium Comments at 3-4.

[17] ALA Comments at 6.

[18] *See, e.g,.* Alabama Association of School Boards Comments at 2; Alaska Department of Education and Early Development Comments at 5-6; Colorado Association of School Executives Comments at 2-3; Denver Public Schools Comments at 2; Houston Independent School District Comments at 1-3.

[19] EdLiNC Comments at 22.

barriers at the user level: "Reduced connectivity would significantly limit access to information and online resources used for education, healthcare, employment, government services, family communication, and other important community needs."[20] Schools share concerns that E-Rate support reductions would require them to delay crucial infrastructure replacements and upgrades, and defer planned campus network expansions.[21]

Further, the digital divide remains real for many U.S. households, whether they lack access altogether or cannot afford to subscribe.[22] Because anchor institutions act as access points to the Internet both for people that do not have access at home as well as in times of emergencies or natural disasters, reliable Internet connectivity in schools and libraries remains crucial.

As the commenters recognize, the success of the E-Rate program to date does not eliminate the need for ongoing support.[23] Instead, "[t]he progress schools have made in connecting students should be a reason to sustain E-Rate. Connectivity requires ongoing service payments, maintenance, and equipment replacement. Being connected today does not remove those costs tomorrow."[24] And as Chicago Public Schools correctly notes, "E-Rate is not a temporary bridge to broadband availability. It is the continuing federal framework that makes

[20] Alaska Department of Education and Early Development Comments at 5.

[21] *See, e.g.*, LifeSchool of Dallas Comments at 3.

[22] *See, e.g.,* ALA Comments at 10; Hawaii State Department of Education Comments at 3.

[23] *See, e.g.*, 1996 Federal-State Joint Board Members Comments at 2-3; Alabama Association of School Boards Comments at 2; EdLiNC Comments at 6-7; Funds for Learning Comments at 2-3; NCTA – The Internet & Television Association Comments at 3; New York City Department of Education Comments at 1; North Carolina School Boards Association Comments at 1; State E-Rate Coordinators' Alliance Comments at 3;

[24] Briya Public Charter School Executive Director Christine McKay Comments at 1.

reliable, scalable, and equitable connectivity affordable and financially sustainable."[25] The record shows that the current E-Rate program is a success on which schools and libraries rely for their current and future connectivity needs. Continuation of the program is essential.

B. Commenters Agree that E-Rate's Program Integrity is Strong

The commenters also recognize that the Commission has established strong program integrity measures for the E-Rate program, resulting in minimal instances of fraud in the program relative to its longevity and the amount of funding committed and disbursed.[26] As ALA states, "E-Rate is a well-executed program with significant federal oversight, established anti-fraud measures, and controlled spending."[27]

C. The E-Rate Program Keeps Telecommunications and Internet Services Affordable for Schools and Libraries as Required by the Telecommunications Act

Commenters agree that the E-Rate program is necessary for the Commission to "ensure affordable access to and use of "any services offered by a telecommunications company to schools and libraries and to "enhance . . . access to advanced telecommunications services and information services for all public and nonprofit elementary and secondary school classrooms, health care providers and libraries."[28] As the Commission noted in the NPRM, today, virtually all schools report having broadband connectivity.[29] But that is true in part because the E-Rate program provides subsidies; if those subsidies are removed or reduced, the Commission will no longer be meeting its statutory directive to provide affordable access.

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[25] Chicago Public Schools Comments at 1.

[26] Benton Institute Comments at 10.

[27] ALA Comments at 7.

[28] 47 U.S.C. § 254(h)(1)(B), (2)(A). *See* WTA Comments at 9.

[29] *NPRM*, FCC 26-41, ¶ 12.

E-Rate helps schools and libraries afford Internet access. As noted by the Commission, affordability is a function of both (1) access and (2) ability to pay.[30] And as other commenters have noted, school and library access to broadband has increased *because* E-Rate has helped them afford ongoing costs of broadband service and the upfront costs of networks and special construction. A number of State Attorneys General aptly notes:

> The NPRM falsely equates expanding our country's broadband infrastructure with sustained affordable broadband connectivity. The benchmark is not whether schools are physically connected to a broadband line, but whether schools will have the ability to meet the educational demands they face now and in the years ahead. Ongoing broadband connectivity requires affordable service and maintenance of equipment and networks. High connectivity rates for schools demonstrate that E-Rate is working as intended—they do not eliminate the ongoing need for and recurring costs to continue to expand and maintain affordable connectivity.[31]

Without the current level of ongoing E-Rate funding, it is also evident from the comments that many schools and libraries could not bridge the gap without making sacrifices, either in terms of connectivity or by diverting money from staff, instruction or other important functions.[32] Broadband is simply not a "discretionary expenditure,"[33] and taking away E-Rate funding will create a hole in the budgets of schools and libraries across the country.

These institutions are in fact already suffering from budget shortages. In the RAND and the Center on Reinventing Public Education study "Shrinking Budgets, Fewer Students," 54 percent of district leaders identified budget shortages as one of their three most pressing challenges in spring 2026, up from 33 percent in 2025.[34] For public libraries, the GAO study

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[30] *NPRM*, FCC 26-41, ¶ 26.

[31] State Attorneys General Comments at 1-2.

[32] TURN Comments at 2; The Quilt Comments at 8.

[33] ALA Comments at 9.

[34] Shrinking Budgets, Fewer Students: How District Leaders Are Navigating a New Landscape of Reduced Resources and Competitive Pressures, RAND and the Center on Reinventing Public

"Public Libraries: Many Buildings Are Reported to Be in Poor Condition, With Increasing Deferred Maintenance," 71 percent faced limited funding as a major or moderate challenge to addressing maintenance and repair.[35]

Overall, investment in telecommunications and Internet infrastructure for schools and libraries is an ongoing endeavor. As the Benton Institute so aptly noted, the nation didn't "stop investing in roads once the interstate highway system was built."[36] Nor should the nation stop investing in broadband infrastructure to our schools and libraries once the initial broadband connections to them are built.

Discount Matrix. Commenters strongly oppose any changes to the discount matrix, including reducing the amount of discounts, limiting discounts to rural areas only, or limiting funding to areas with only one provider.[37] Commenters explain that the discount matrix appropriately provides additional funding for schools and libraries that have higher rates of poverty, as identified by the number of students eligible for free and reduced price lunch, and for those schools and libraries located in rural areas.[38]

Education, Tia Clinton et al. at https://www.rand.org/pubs/research_reports/RRA4737-4.html (July 14, 2026).

[35] Public Libraries: Many Buildings Are Reported to Be in Poor Condition, with Increasing Deferred Maintenance, United States Government Accountability Office, GAO-26-107262, https://files.gao.gov/reports/GAO-26-107262/index.html (Dec. 2025).

[36] Benton Institute Comments at 19.

[37] *See, e.g.*, TURN Comments at 16; Council of Great City Schools Comments at 6. Nearly 200 filers opposed cuts to suburban and urban areas.

[38] The Quilt Comments at 7; NYC DOE Comments at 1; Council of Great City Schools Comments at 7. Furthermore, WTA – the Advocates for Rural Broadband (WTA) notes that rural schools and libraries already receive additional funding at several of the discount tiers, which is a suitable differential. WTA Comments at 10.

The Commission should continue to fund both urban and rural schools and libraries. In addition to the statutory requirements that the Commission must provide discounts to all schools,[39] commenters note there are good policy reasons to continue to fund both urban and rural schools and libraries.[40] First, as commenters have explained, the presence of competition by itself does not guarantee that paying for broadband connectivity is affordable for any particular school or library.[41] Second, TURN notes that "[s]chool funding varies within and between states." Third, The Quilt explains that removing or reducing discounts for urban or suburban schools and libraries could undermine consortia applications by "impairing the economics of the statewide network."[42]

Commenters also support retaining the discount levels based on National School Lunch data as they currently exist.[43] In addition, the Chicago Public Schools observed that eliminating the ability for schools to use the Community Eligibility Provision (CEP) to calculate poverty rates will significantly increase paper-based income verification processes, creating increased administrative overhead and undercounting eligible families.[44]

In summary, eliminating or reducing E-Rate discounts would force many schools and libraries to make difficult budgetary choices about how to pay for necessary Internet access while at the same time covering their other costs, including teachers, staff, and programming.[45]

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[39] 1996 Federal-State Joint Board Members Comments at 3; EdLiNC Comments at 15.

[40] NCTA Comments at 4.

[41] TURN Comments at 16-17; SECA Comments at 9; EdLiNC Comments at 17.

[42] The Quilt Comments at 8.

[43] Chicago Public Schools Comments at 2.

[44] *Id.*; *see also* NYC DOE Comments at 2.

[45] The Quilt Comments at 9.

Special construction. Most commenters favor retaining special construction and self-provisioned networks as E-Rate eligible options for schools and libraries.[46] The reason is practical: special construction has kept costs low while increasing access to greater bandwidth services. These options have saved money both for applicants and the E-Rate program. For example, the Chicago Public Schools estimates that it will save approximately $12.8 million over 10 years by purchasing dark fiber instead of managed lit services.[47] The purchase of dark fiber also allows schools and libraries the ability to adjust bandwidth as necessary. The Utah Education and Health Network (UETN) provides another example of good stewardship of E-Rate funds with funding available for special construction.[48] UETN recently completed a special construction project to connect a remote high school in Navajo Mountain in San Juan County, Utah. Without E-Rate funds, this connection would not have been economically feasible because of its remote location and sparse population.

As noted in the Reply Comments of the New Mexico Office of Broadband Access and Expansion, New Mexico has similar examples where the applicants lowered their total cost of ownership while increasing bandwidth. Specifically, Albuquerque Public Schools (APS) was paying about $4.46 million a year for 300 or 500 Mbps at most locations.[49] After a $14.3 million special construction build, APS increased its bandwidth to 10 Gbps at 156 locations for a cost of only $458,000 a year. (Under the existing pricing without the build, the cost for 10 Gbps per location would have been more than $18 million annually.) Internet pricing fell from about

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[46] NCTA Comments at 4; Navajo Nation Telecommunications Regulatory Commission Comments at 12-14; INCOMPAS Comments at 2, 7-8.

[47] Chicago Public Schools Comments at 2-3. *See also* Richmond Public Schools Comments at 2; Northside Independent School District (TX) Comments at 3.

[48] UETN Comments at 4; The Quilt Comments at 11-12.

[49] New Mexico Office of Broadband Access and Expansion Reply Comments at 7.

$6.50 to $0.50 per Mbps. Under the eight-year contract, APS reports the E-Rate program started saving money in less than four years. Special construction eligibility also meant APS received six bids instead of the two bids an earlier procurement drew. In a similar situation, Gallup-McKinley school district replaced 100 Mbps microwave at a price of $672,000 a year with 1 Gbps fiber at about $97,000 a year. The ten-year total cost of ownership fell from $6.72 million to $2.73 million. Overall, more than 70 percent of New Mexico's early projects were leased lit or dark fiber, and, after cost-allocating the costs not associated with E-Rate eligible entities, providers often added strands that stay available to other customers. Connections for these schools therefore also meant connecting their communities.

The Commission's proposal to limit special construction to areas with only one provider would increase complexity and would burden both applicants and USAC.[50] First, there is no requirement that the existing provider even submit a bid. Second, even if there are multiple providers in the market, they may not choose to bid on E-Rate requests for proposals. As a policy matter, it creates a risk that schools and libraries will be denied funding for special construction because a second provider exists in their area but does not serve their needs.[51] For example, would an area be considered "served" by a second provider if that second provider does not offer the speeds or bandwidth a school or library needs? What if the provider only offers residential services? These, and other scenarios, could jeopardize a school or library's ability to ensure that they receive the broadband support they need.

Contrary to some comments, the vast majority of commenters believe that special construction should remain eligible to ensure applicants receive services that best meet their

[50] TURN Comments at 11-12.

[51] *Id.*

needs and provide the best value for applicants and the program itself.[52] In the one example provided by some commenters, the request for bids in Texas specifically allowed for multiple vendors to receive an award.[53] Further, service providers were allowed 51 days to submit bids, which allowed any interested bidder time to organize and submit a bid.[54] Overall, the current competitive bidding process requires the careful consideration of all bids with price as a primary factor, and often that analysis results in the selection of bids that include special construction because the bid is not only more cost-effective, but actually a lower price. Eliminating special construction will result in less competition and higher costs for both schools and libraries and the program.

D. The Commission Should Not Change Well-Functioning Aspects of the Program

In addition to retaining the current rules as described above, commenters agree that the Commission should not make major changes to MIBS eligibility, CIPA rules, Head Start eligibility, or consortia rules.[55]

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[52] *See, e.g.*, NCTA Comments at 4; Navajo Nation Telecommunications Regulatory Commission Comments at 12-14; White Pine County School District Comments at 6; INCOMPAS Comments at 2, 7-8.

[53] Region 10 Education Service Center Reply Comments, RM-11841CC, Docket No. 02-6, WC Docket No. 13-184, at 4-5, https://www.fcc.gov/ecfs/document/10717638923438/1 (July 6, 2019).

[54] *Id.*

[55] Numerous commenters opposed tying screen time limitations to E-Rate funding. Many noted that states are already legislating on this issue, and the federal government should not or cannot make rules on this subject. *See, e.g.*, National Conference of State Legislators Comments at 1; Navajo Nation Telecommunications Regulatory Commission Comments at 32; International Center for Law & Economics Comments at 2; Friday Institute for Educational Innovation Comments at 13-15. More than 60 commenters supported retaining MIBS as an eligible service. *See, e.g.,* NCTA Comments at 7; Texas Library Association Comments at 4. In addition, most commenters urge the Commission to leave the CIPA rules as they currently exist. *See, e.g.*, Center for Democracy & Technology Comments; Idaho State Board of Education Comments at 2; Council of Chief State School Officers Comments at 4. Finally, a number of commenters

SHLB agrees with commenters that urge the Commission to retain eligibility for Head Start programs.[56] Even with limited student use, teachers and staff still need access to modern telecommunications and Internet services to communicate with the individuals inside and outside the school's four walls, including parents. We agree that "[t]here is no rational basis for requiring schools to cost-allocate prekindergarten and Head Start classrooms out of E-Rate funding requests, especially since these classrooms are recognized as part of the public education system."[57]

SHLB also agrees with commenters that current consortia rules are effective in both oversight and accountability, and that changes as contemplated in the NPRM would create unnecessary and onerous administrative burdens on consortia members.[58]

II. THE COMMISSION SHOULD FOCUS ON IMPROVEMENTS TO THE E-RATE PROGRAM THAT ENHANCE ACCESS AND REDUCE BARRIERS TO PARTICIPATION

Instead of asking about reducing or eliminating E-Rate funding, the Commission instead should focus on streamlining program requirements, especially for smaller schools and libraries with lower-dollar funding requests, should refrain from placing additional burdensome requirements on consultants, and should continue to consider the "evolving" level of services that are considered "universal" and therefore eligible for funding.

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support the retention of eligibility for Head Start. *See, e.g.*, Michigan Statewide Education Network Comments at 11-12.

[56] *See, e.g.*, TURN Comments at 21; Chicago Public Schools Comments at 3-4.

[57] State Attorneys General Comments at 2.

[58] OPLIN Comments at 2-3; ALA Comments at 34 ("We also do not support requiring consortium members to submit the FCC Form 479 within EPC before the consortium lead certifies the FCC Form 471. We believe that this change would impose additional administrative burdens on both the consortium leads and consortium members."); Monroe County ISD/Monroe Technology Consortium Comments at 2-3.

The Commission recently reported that approximately half of U.S. students have access to the level of connectivity set by the Commission as a goal.[59] Rather than asking whether E-Rate's mission has been accomplished, the Commission should investigate why schools have not met this goal – is it a lack of funding, lack of access to broadband services, lack of budget for the non-discount share, or is there some other reason?

Commenters agree with SHLB that certain aspects of program administration can be complicated or inefficient, and stands to become more complex as the Commission and USAC put in place the recently adopted competitive bidding portal. SHLB advocated against the competitive bidding portal and instead has long supported the Commission taking actions to streamline the program and reduce burdens. The record shows that other program participants also urge the Commission to focus on reducing administrative burdens and provide more clarity for program rules.[60]

At the same time, the Commission has proposed to increase burdensome requirements on E-Rate consultants – and has also added an overly broad definition including any person or company who may assist a school, library or service provider in any way related to the E-Rate program. Most commenters agree that the definition of consultant should be limited to include only those entities who are currently included in the definition.[61] For example, attorneys, sales

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[59] *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 25-223, 2026 Section 706 Report, FCC 26-55, ¶ 49 (Aug. 14, 2026).

[60] *See, e.g.,* Ector County ISD Comments at 3-5 (allow additional waivers for invoicing rules); Michigan Statewide Education Network Comments at 6-7 (supporting documentation for NSLP data).

[61] The current definition of consultant is found in the instructions to the Form 470 and the Form 471: "A consultant is defined as any non-employee of the entity applying for funding that assists in filling out the application materials for a fee." Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form (FCC Form 470) at 7, Item 7 (Dec. 2013), *available at* https://docs.fcc.gov/public/attachments/DOC-

agents, and entities performing ministerial post-commitment functions – among others – should be excluded as they do not assist applicants with filling out forms or influence the applicant-side competitive bidding process.[62] Commenters agree that the Commission should use its current, more narrow definition.[63]

The initial comments confirm that E-Rate consultants serve an important purpose.[64] Schools, libraries, and service providers use consultants to ensure that they are correctly navigating the complex E-Rate process. Consultants likewise help ensure that program participants understand and comply with Commission rules and USAC procedures. As a result, the Commission should not adopt onerous proposals that make it more difficult for applicants and providers to seek assistance from consultants.

Finally, a significant number of commenters agree with SHLB that the program should provide support for cybersecurity, so that E-Rate supported networks remain safe and up to date.[65]

326788A1.pdf; Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471) at 9, Item 6g (Dec. 2013), *available at* https://docs.fcc.gov/public/attachments/DOC-326790A1.pdf.

[62] GCI Comments at 21-23; USTelecom Comments at 2-3.

[63] USTelecom Comments at 2.

[64] Funds For Learning Comments at 11-12.

[65] *See, e.g.,* Consortium for School Networking Comments at 7; Albuquerque Public Schools Comments at 3; Michigan Statewide Education Network Comments at 3.

III. COMMENTERS AGREE THAT THE COMMISSION DOES NOT HAVE LEGAL AUTHORITY TO ELIMINATE SUPPORT FOR SCHOOLS AND LIBRARIES AND IS THE INCORRECT VENUE FOR REGULATING SCREEN TIME

The record overwhelmingly agrees with SHLB that the Commission cannot terminate universal service funding to schools and libraries under section 254 of the Communications Act.[66] As EdLiNC correctly states, "Section 254 is a congressional mandate, and nothing in the statute's text empowers the Commission to terminate the program outright, whether after a fixed period or upon the Commission's determination that certain benchmarks have been met."[67] The Benton Institute says, "Congress did not frame E-Rate as a temporary grant program or a pilot project subject to administrative expiration; it codified it alongside permanent, bedrock goals such as ensuring quality services at just, reasonable, and affordable rates."[68] And the Members of the 1996 Joint Board state, "Nothing in § 254(h)(1)(B) makes its recurring service obligation expire when nationwide connectivity reaches a particular percentage. Nor does subsection (h)(1)(B) categorically exclude otherwise eligible institutions merely because they are in urban or more affluent areas."[69] These commenters correctly note that the plain language of the statute precludes the Commission from eliminating support or limiting it to a subset of schools and libraries.

The comments also confirm that the Commission is the incorrect entity to regulate screen time. The issue should be addressed by state and local entities rather than enforced by the

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[66] *See, e.g.,* Benton Institute Comments at 12-21; Council of Great City Schools Comments at 2-3; EdLiNC Comments at 7-10; 1996 Federal-State Joint Board Members Comments at 2-4.

[67] EdLiNC Comments at 8.

[68] Benton Institute Comments at 15.

[69] 1996 Federal-State Joint Board Members Comments at 3.

Commission through E-Rate restrictions.[70] AASA, The School Superintendents Association comments, "E-Rate supports eligible telecommunications services and network infrastructure; it does not dictate curriculum, instructional practice, or how educators and local school leaders establish expectations for student technology use. Those decisions appropriately remain matters for school systems, educators, families, and state and local policymakers."[71] And the Council of Great City Schools states, "[n]ot only have a number of state legislatures enacted laws or are actively considering bills to deal with technology use and screen time, but more importantly, local school districts are creating detailed, developmentally appropriate rules for classroom technology, describing actions taken by the Dallas Independent School District and New York City Public Schools, to name a few, to address the issue.[72] As the Consortium of State School Boards Associations explains, "E-Rate is a connectivity program; decisions about curriculum, instruction, and educational policy properly remain with state and local authorities, especially the use of technology in the classroom."[73]

[70] *See, e.g.,* AASA Comments at 2; Pasadena Independent School District Comments at 16; Ector County ISD Comments at 5

[71] AASA Comments at 2.

[72] Council of Great City Schools Comments at 8-9; *see also* North Carolina School Boards Association Comments at 2 (describing state legislation requiring North Carolina school boards to limit student access to age-appropriate content, block social media on school devices and networks, and prohibit student use of wireless communication devices during instructional time); State Educational Technology Directors Association Comments at 3 (describing Delaware's adoption of digital citizenship standards covering internet safety, online ethics, bias, advertising, and media literacy while providing flexibility to school districts on their implementation).

[73] Consortium of State School Boards Associations Comments at 2.

IV. CONCLUSION

The record in this proceeding shows that the E-Rate program is a success story for which the Commission should be proud. Going forward, the Commission should focus its efforts on streamlining the program and enhancing E-Rate to allow schools and libraries to meet their evolving technology needs, as Congress instructed in section 254 of the Communications Act.

Respectfully submitted,

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