LOWER HUDSON EDUCATION COALITION
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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

COMMENTS OF THE LOWER HUDSON EDUCATION COALITION

The Lower Hudson Education Coalition (LHEC) respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 26-41 (NPRM), published in the Federal Register on August 14, 2026. LHEC is a collaborative initiative of the school superintendents and school boards associations of Westchester, Rockland, Putnam, Orange, and Dutchess Counties in New York's Hudson Valley. Collectively, the Coalition advocates on behalf of 96 public school districts serving approximately 285,000 students and a community of roughly 2.1 million residents.

Our region is, in many respects, a microcosm of American public education. It includes densely populated, high-poverty city districts such as Yonkers, Mount Vernon, Newburgh, Poughkeepsie, and Middletown; rapidly growing and linguistically diverse suburban districts such as East Ramapo, Port Chester, and Peekskill; property-wealthy suburbs; and rural districts in northern Dutchess, Putnam, and western Orange Counties where a single school building may serve an entire town and where broadband markets remain thin. Our districts participate in E-Rate both individually and through regional consortia coordinated by their Boards of Cooperative Educational Services (BOCES) and Regional Information Centers, including the Lower Hudson Regional Information Center, which supports 62 districts in Westchester, Rockland, and Putnam, and the Mid-Hudson Regional Information Center, which supports districts in Dutchess and Orange.

LHEC recognizes that the Commission is the agency of jurisdiction over the E-Rate program and that periodic review of any federal program is appropriate. But this NPRM is far more than a review of a connectivity program. It asks whether E-Rate should be *sunset*; whether support should be *restricted to*

rural areas or phased out for entire categories of districts; whether pre-kindergarten and Head Start classrooms should be carved out; whether the Commission should *deny or claw back funding* for procedural lapses under the Children's Internet Protection Act (CIPA); and whether the Commission should condition connectivity support on screen-time limits, parental opt-outs, social media bans, mandatory digital literacy coursework, and federal review of local Internet safety policies. Taken together, these questions describe a program the Commission would transform from one that helps schools *get online* into one that dictates *how classrooms operate*. That is a significant and concerning departure from the program Congress created, and from the boundaries of the Commission's statutory role and expertise.

Our positions are summarized as follows:

- **LHEC strongly opposes sunsetting or limiting the E-Rate program.** Connectivity is a recurring cost, not a one-time achievement, and the program remains essential to every district in our region.
- **LHEC strongly opposes restricting E-Rate to rural areas or phasing out support for non-rural districts.** Expanding support for rural schools is a worthy goal, but it must not come at the expense of the urban and suburban districts in our region that depend on E-Rate to meet basic connectivity needs.
- **LHEC opposes excluding pre-kindergarten and Head Start students and the cost-allocation burdens that would accompany such a change.** New York's universal pre-kindergarten program is an integral part of public elementary education.
- **LHEC strongly opposes eliminating the opportunity to cure CIPA notice-and-hearing lapses and imposing funding denials or recoveries for such lapses.** Such penalties are disproportionate to the conduct and would punish students for paperwork.
- **LHEC urges the Commission not to adopt federal screen-time limits, opt-out mandates, expanded filtering mandates, or mandatory digital literacy courses as conditions of E-Rate support.** These are matters of education policy that New York already governs through its Legislature, Board of Regents, and locally elected school boards.
- **LHEC asks that any consultant-oversight rules in the FNPRM be drafted so as not to sweep in BOCES, Regional Information Centers, and other public educational service agencies** that act on behalf of districts as part of their statutory mission.

E-Rate Is a Connectivity Program; How Connectivity Is Used Is Governed by States and Local Communities

E-Rate was established under section 254 of the Communications Act, as added by the Telecommunications Act of 1996, with a clear purpose: to ensure that elementary and secondary schools and libraries have affordable access to advanced telecommunications and information services. 47 U.S.C. § 254(b)(6), (h)(1)(B), (h)(2)(A). It is not an education program. Congress did not charge the Commission with measuring student achievement, determining instructional methods, or deciding how many hours a child should spend with a device. Those judgments belong to states and to locally elected school boards, and Congress said so expressly when it enacted CIPA: the determination of what content is "inappropriate for minors" is to be made "by the school board, local educational agency, library, or other authority responsible for making the determination," and "[n]o agency or instrumentality of the United States Government may … establish criteria for making such determination." 47 U.S.C. § 254(l)(2).

Schools rely on E-Rate to get online. How they use that connectivity—to support teaching and learning, special education services, building operations, transportation, security cameras and emergency communications, and administrative infrastructure—is determined by local leaders who are accountable to the families they serve. The NPRM repeatedly invites commenters to identify statutory authority for the Commission to regulate screen time, mandate opt-outs, or prescribe the content of digital literacy instruction (NPRM ¶¶ 21, 38–41). LHEC is aware of none. The Commission's own reliance on Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024), for the proposition that only the "best reading" of a statute is permissible (NPRM ¶ 24 n.104) cuts decisively against reading section 254 to authorize federal classroom-management rules. Evaluating E-Rate based on how schools use the Internet, rather than whether they can affordably access it, would substitute the Commission's judgment for that of Congress, the New York State Legislature, the Board of Regents, and 96 locally elected boards of education in our region.

New York has not been idle on the very concerns that animate this NPRM. The State enacted a statewide "bell-to-bell" restriction on student smartphone use in the 2025–26 school year; it has adopted Computer Science and Digital Fluency Learning Standards that require age-appropriate digital citizenship and online safety instruction across K–12; it protects student data through Education Law § 2-d and its implementing regulations; and every LHEC district adopts and periodically revises acceptable use and Internet safety policies at public board meetings governed by the State's Open Meetings Law. Parents in our region raise concerns about screen use directly with the principals, superintendents, and board members they can reach by phone or at a monthly meeting. That is where these decisions belong.

The Commission Should Not Sunset or Limit the E-Rate Program (NPRM ¶¶ 12–14)

The NPRM asks whether the program's core objective has been "achieved" and whether E-Rate should be "limited or sunset to reflect today's extensive connectivity rates." NPRM ¶ 12. The premise misunderstands what the program pays for. E-Rate does not fund a one-time hookup. It discounts *recurring* Internet access and data transmission services (Category One) and the periodic refresh of the switches, wireless access points, cabling, and caching and firewall equipment that carry that traffic inside school buildings (Category Two). A district that met the 1 Gbps-per-1,000-students benchmark in 2018 must continue to pay for that circuit every month, must replace end-of-life network hardware on a five-to-seven-year cycle, and must scale bandwidth as digital assessments, cloud-based student information systems, security systems, and assistive technologies for students with disabilities consume more of it. The Commission's own data confirm continuing need: applicants requested $1.806 billion in Category One and $1.418 billion in Category Two support in Funding Year 2025 alone. NPRM ¶ 12.

The NPRM cites a report that "[n]early every public school classroom in New York now has Wi-Fi." NPRM ¶ 12 n.60. That is true, and it is a success story that E-Rate helped write, together with New York's Smart Schools Bond Act. It is not evidence that E-Rate is finished. Wi-Fi that was installed with 2016 Category Two funds is now due for replacement. If the program were sunset, LHEC districts would confront that replacement cycle, and every month's connectivity bill, with no federal discount and no ability to raise the difference locally: New York's property tax cap limits annual levy growth to the lesser of two percent or inflation absent a 60-percent supermajority override. For a high-discount district, the loss of E-Rate would be a direct, unrecoverable cut to instruction.

The stakes for our region are concrete. According to USAC's open data, E-Rate applicants located in Westchester, Rockland, Putnam, Orange, and Dutchess Counties received approximately $45.4 million in committed funding across Funding Years 2021 through 2025—$24.6 million in Category One and $20.8 million in Category Two—spread across 154 school, library, and other applicant entities. That figure

captures only applications filed by entities located in the five counties. A substantial share of our districts' E-Rate requests are filed instead by regional consortia, which USAC records separately. Southern Westchester BOCES, whose Lower Hudson Regional Information Center files on behalf of districts in Westchester, Rockland, and Putnam, received a further $10.85 million in consortium commitments over the same period, and the Westchester Library System another $885,000—bringing the five-county total to more than $57 million. Consortia led by Ulster BOCES, Orange-Ulster BOCES, and the Ramapo Catskill Library System, which serve Orange, Dutchess, and Rockland districts and libraries alongside neighboring counties, received roughly $13 million more. On any reasonable allocation, E-Rate delivered between $57 million and $70 million to the schools and libraries of our region over five funding years. Westchester alone ranks fourth among New York's 62 counties in county-level commitments, behind only Manhattan, Brooklyn, and Suffolk.

County	Total committed FY2021–25	Category One	Category Two	Applicants
Westchester	$25,129,925	$14,602,937	$10,526,992	82
Rockland	$8,167,429	$3,645,821	$4,521,608	27
Orange	$7,452,322	$3,230,465	$4,221,857	17
Dutchess	$3,216,844	$1,787,684	$1,429,162	21
Putnam	$1,409,520	$1,300,077	$109,443	7
Five-county subtotal (county-level applicants)	**$45,376,040**	**$24,566,984**	**$20,809,062**	**154**
Southern Westchester BOCES consortium (LHRIC)	$10,850,000	$4,670,000	$6,180,000	—
Westchester Library System consortium	$885,230	$885,230	$0	—
Five-county total incl. in-region consortia	**$57,111,270**	**$30,122,214**	**$26,989,062**	**—**
Multi-county consortia serving the region (Ulster BOCES, Orange-Ulster BOCES, Ramapo Catskill Library System)	$12,957,461	$6,816,698	$6,148,516	—

Source: USAC E-Rate Open Data, FRN Status = Funded, committed basis, FY2021–FY2025; county rows reflect applicants located in each county; consortium rows reflect commitments to the named consortium applicant.

Nor does the fact that demand has recently fallen below the inflation-adjusted cap justify sunsetting the program. NPRM ¶ 12. Demand below the cap reflects that the Commission's Category Two budget system, competitive bidding rules, and cost-effectiveness requirements are working as intended; it is evidence of fiscal discipline, not obsolescence. And the one-time deployment funding provided through BEAD and similar programs (NPRM ¶ 13) is designed to build networks in unserved areas; it does nothing to make monthly service affordable for a school district in Yonkers or Newburgh that has three providers at its door but 20,000 students to connect.

LHEC also urges the Commission not to reverse the presumption that activities on school property serve an educational purpose. NPRM ¶ 15. Reversing that presumption would convert every E-Rate application into an invitation for use-based audits of classroom activity, which the Commission is neither authorized nor equipped to conduct.

The Commission Should Not Restrict E-Rate to Rural Areas or Phase Out Support for Non-Rural Districts (NPRM ¶¶ 17–18)

The NPRM asks whether E-Rate support should be "limited to rural areas or to areas served by a single provider," whether rural discounts should be increased relative to urban discounts, and whether funding should be phased out for schools "in areas with the lowest NSLP participation rates." NPRM ¶¶ 17–18. LHEC strongly opposes each of these proposals.

LHEC represents both rural and non-rural districts, and we support the goal of ensuring that rural schools can afford connectivity. The current discount matrix already advances that goal: rural schools receive a higher discount than urban schools in every poverty tier precisely because the Commission recognized in 1997 that rural connectivity costs more. What the NPRM contemplates is different in kind. It would divide the education community by taking support away from one set of students to redirect it to another, and it would do so on the basis of geography rather than need.

Consider what a rural-only program would mean in our five counties. The Yonkers Public Schools, Mount Vernon City School District, Newburgh Enlarged City School District, Poughkeepsie City School District, Middletown City School District, and East Ramapo Central School District together enroll tens of thousands of students, the large majority of whom are economically disadvantaged and many of whom are English language learners. Under the current rules these districts qualify for E-Rate's highest discount tiers because of student poverty. Under a rural-only program they would receive nothing, while a property-wealthy rural district a few miles away would remain eligible. That result would be the opposite of the universal service principle that Congress articulated: that schools "should have access to advanced telecommunications services." 47 U.S.C. § 254(b)(6). Congress did not say rural schools, and it did not authorize the Commission to add that qualifier.

Phasing out support for districts with the lowest NSLP participation rates (NPRM ¶ 17) is likewise misguided. Low NSLP participation does not equal an unlimited local tax base. In New York, every district, regardless of wealth, operates under the property tax cap; a district whose E-Rate discount falls from 40 percent to zero cannot simply raise the levy to cover a six-figure connectivity bill. Moreover, the Commission's suggestion that "a disproportionate share of funding flow[s] to large, well-resourced school districts with substantial local tax bases" (NPRM ¶ 17) is answered by the discount matrix itself: those districts already receive the lowest discounts in the program.

If the Commission concludes that rural schools need additional help, the appropriate response is to increase the rural adder within the existing matrix, or to work with Congress on targeted rural support, not to strip eligibility from the urban and suburban districts where the majority of economically disadvantaged students in our region are educated.

Pre-Kindergarten and Head Start Students Should Remain Eligible (NPRM ¶ 23)

The NPRM asks whether pre-kindergarten and Head Start students should continue to receive E-Rate support and whether districts should be required to cost-allocate those students and classrooms out of their funding requests. NPRM ¶ 23. LHEC opposes both proposals.

New York includes pre-kindergarten within its statutory definition of elementary education, and the State has invested heavily in universal pre-kindergarten under Education Law § 3602-e. Across our five counties, pre-kindergarten classrooms are located inside public elementary school buildings, staffed by certified teachers, and connected to the same district network as the kindergarten classroom next door. The NPRM's

premise—that young children "are harmed if exposed to longer periods of use" and therefore should not be connected—confuses the network with the pedagogy. A pre-kindergarten classroom's connection to the district network is what allows the teacher to take attendance, access the student information system, communicate with families, reach the school nurse, and lock the door in an emergency. It says nothing about whether four-year-olds are using tablets. Decisions about developmentally appropriate technology use in early childhood classrooms are, again, made by New York's Board of Regents and by local districts, many of which already sharply limit screen use in the early grades.

A cost-allocation requirement would be administratively burdensome out of all proportion to the dollars involved. The NPRM reports that all pre-kindergarten and Head Start commitments nationwide totaled $59.4 million in Funding Year 2025, roughly one percent of the program. NPRM ¶ 23. Requiring every elementary school with a pre-kindergarten wing to apportion the cost of a shared switch, shared circuit, and shared wireless controller by headcount would generate compliance costs and audit risk that exceed any conceivable savings.

To the extent the Commission's concern is the fraud case it cites involving a New York daycare center (NPRM ¶ 23), that conduct was investigated and prosecuted, and the defendants were sentenced. Fraud is a reason to enforce the rules, not to disconnect public school classrooms. If the Commission nonetheless narrows eligibility, LHEC asks at a minimum that pre-kindergarten programs operated by, or under contract with, a public school district remain eligible, and that no cost-allocation obligation be imposed on facilities in which pre-kindergarten and K–12 students share a single network.

CIPA: The Commission Should Preserve the Opportunity to Cure and Should Not Federalize Local Internet Safety Policies (NPRM ¶¶ 24–37)

Funding denials and recoveries for notice-and-hearing lapses would be disproportionate (¶ 36)

LHEC strongly opposes the suggestion that USAC should reduce funding commitments or recover disbursed funding when an applicant fails to document public notice or a public hearing on its Internet safety policy, and that applicants should be at risk of repaying funding "for the entire period of time that they were out-of-compliance." NPRM ¶ 36. Every LHEC district adopts its Internet safety and acceptable use policies at a public board meeting noticed under New York's Open Meetings Law. The compliance failures the Commission describes are overwhelmingly documentation lapses—a district that held the meeting but cannot locate a decade-old agenda—not failures to protect children. Denying a district's entire Category One funding, or demanding repayment of several years of discounts, because of a missing agenda would punish students for paperwork. The Commission's existing practice of allowing applicants to cure such lapses before any reduction or recovery is the correct one and should be retained.

Network-level filtering, BYOD, and "monitoring" (¶¶ 25–28)

CIPA, by its terms, applies to a school's or library's own computers. 47 U.S.C. § 254(h)(5)(B). Most LHEC districts already filter at the network level as a matter of local policy, and many restrict or segment personal devices. But mandating network-level filtering of every third-party device, or requiring districts to distinguish adult from minor users of personal devices in real time (NPRM ¶ 25), would impose costs and technical obligations that CIPA does not authorize and that would fall hardest on the districts least able to absorb them. The Commission should also decline to read "unauthorized access" to include a student exceeding a prescribed number of screen hours (NPRM ¶ 28). Any definition of "monitoring the online activities of minors" must be reconciled with New York's Education Law § 2-d, which strictly limits the collection and disclosure of student data.

Social media, digital literacy mandates, and federal review of local policies (¶¶ 29–35)

The Commission correctly concluded in 2011 that CIPA leaves the determination of what is inappropriate for minors to local authorities and that social networking sites are not per se harmful to minors. NPRM ¶ 29. Nothing in the statute has changed. Whether and how to restrict social media access on school networks is a decision New York districts make locally, and the State has already legislated on student phone use. LHEC likewise urges the Commission not to mandate the content, frequency, or documentation of digital literacy coursework (NPRM ¶ 30). New York's Computer Science and Digital Fluency Learning Standards already require this instruction; a federal course-completion reporting requirement would duplicate State standards while creating a new student-level data collection with obvious privacy implications. Finally, the Commission should not collect, publish, or review local Internet safety policies (NPRM ¶ 33). Section 254(l)(2) forbids any federal agency from establishing criteria for those determinations, and public availability is already assured through local board adoption.

Screen-Time Limits, Opt-Outs, and Related Conditions Are Education Policy, Not Communications Policy (NPRM ¶¶ 20–22, 38–42)

LHEC does not dismiss the concerns about children's screen use that the NPRM catalogs at length. Our superintendents and board members hear those concerns from parents every week, and many LHEC districts have responded with grade-specific device policies, screen-free instructional blocks, and restrictions on non-instructional applications. These responses were designed by educators, adopted in public, and tailored to local communities. That is how they should be made.

The NPRM, by contrast, asks whether the Commission should impose per-day limits on the hours children may use E-Rate-funded networks, require parental opt-outs from screen-based instruction as a condition of funding, require adult supervision of network use, and require reporting mechanisms for inappropriate content. NPRM ¶¶ 21–22, 39–41. LHEC urges the Commission to answer its own repeated question—"Does the Commission have any statutory authority outside of CIPA to require such limits?"—in the negative. Section 254 authorizes discounts on telecommunications and information services for educational purposes. It does not authorize the Commission to regulate instructional time, and a rule that conditioned a school's Internet discount on its instructional practices would be arbitrary as well as unauthorized. A per-day network-hours limit would also be unadministrable: E-Rate-funded networks carry the traffic of teachers, administrators, nurses, security systems, and special education service providers, not only students, and a single circuit cannot distinguish a student's hours from a teacher's.

An opt-out mandate (NPRM ¶ 21) would be particularly unworkable. New York students take State assessments in grades 3–8 on computers, and students with disabilities rely on assistive technology that runs on the district network as a matter of their individualized education programs. A federal rule requiring districts to offer parallel non-digital instruction to any student whose parent opts out would impose staffing and curricular costs that the Commission has not attempted to estimate and has no authority to impose. Parents who wish to limit their child's screen use at school can and do work with their district to do so, and New York law already provides the framework for those conversations.

Finally, the Commission asks whether E-Rate funding is correlated with reliance on screen-based instruction or with student outcomes. NPRM ¶ 19. E-Rate funds neither devices nor curricula; the Commission's Eligible Services List expressly excludes end-user devices, applications, and content. Attempting to draw causal inferences between a connectivity discount and reading scores would be methodologically unsound and, more fundamentally, beyond the question Congress asked the Commission to answer, which is whether schools can afford to be connected.

Consultant Oversight Should Not Sweep in Public Educational Service Agencies (FNPRM ¶¶ 44–60)

LHEC supports reasonable measures to prevent fraud by private consultants and does not object in principle to registration, certification, and disclosure requirements or to a prohibition on percentage-based fees. We ask, however, that the definition of "consultant" (FNPRM ¶ 46) expressly exclude public educational service agencies—in New York, the BOCES and Regional Information Centers established under Education Law § 1950—when they file applications, conduct competitive bidding, or manage E-Rate compliance on behalf of their component districts as part of their statutory mission. These entities are public bodies, subject to State procurement law and audit by the State Comptroller, and are compensated through State-aided cooperative service agreements rather than fees tied to E-Rate awards. Treating them as consultants would add administrative burden without advancing program integrity. LHEC takes no position on the proposed Form 473 and Form 479 changes or on deletion of the ECF rules.

Conclusion

E-Rate has succeeded because it does one thing well: it makes connectivity affordable for schools and libraries and leaves everything else to educators and the communities that elect them. The NPRM's most far-reaching proposals—sunsetting the program, confining it to rural areas, carving out pre-kindergarten, penalizing procedural lapses with funding recoveries, and conditioning support on federal screen-time and instructional mandates—would abandon that model and, in the process, exceed the Commission's authority under section 254. LHEC respectfully urges the Commission to decline to adopt them, to preserve the existing discount structure and cure process, and to confine any further action in this proceeding to the program-integrity and administrative measures proposed in the FNPRM.

LHEC appreciates the opportunity to comment and would welcome the opportunity to provide the Commission with additional information about how E-Rate supports the public schools of the Lower Hudson Valley.

Respectfully submitted,

Lower Hudson Education Coalition