



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC GIVES SCHOOL E-RATE PROGRAMS MORE FLEXIBILITY TO ALLOW COMMUNITY USE OF BROADBAND SERVICES

Enabling Off-Hours Public Access to School Networks Spreads Benefit of E-rate at No Cost to Universal Service Fund

Washington D.C. – The Federal Communications Commission today adopted an order that enables schools that receive funding from the E-rate program (more formally, the schools and libraries universal service support program) to allow members of the general public to use the schools’ Internet access during non-operating hours. This change attracted broad support in comments received while developing the National Broadband Plan.

This action will leverage universal service funding to serve a larger population at no increased cost to the E-rate program. If a school chooses to allow community access, the general public will be able to use the Internet access already present in schools for purposes such as job searches and applications, digital literacy programs, and online access to governmental services and resources. Increasing community access to the Internet is particularly critical in communities where residential adoption of broadband Internet access has historically lagged, including many rural, minority, and Tribal communities. Libraries already may provide Internet access to their communities using E-rate support. Today’s order enables schools to provide similar access to the public.

Currently, Commission rules require schools to certify that they will use E-rate funded services solely for “educational purposes,” defined as activities that are integral, immediate, and proximate to the education of students. As a result, services and facilities purchased by schools using E-rate funding remain largely unused during evenings, weekends, school holidays, and summer breaks. Waiving the relevant rules will maximize the use of facilities and services supported by the E-rate program by giving schools the option to open their E-rate funded facilities to members of the public during non-operating hours.

The waiver of the Commission’s rules is effective from adoption of the order through funding year 2010 (which ends June 30, 2011). This waiver is subject to the following conditions: (1) schools participating in the E-rate program are not permitted to request more services than are necessary for “educational purposes”; (2) any community use of E-rate funded services at a school facility is limited to non-operating hours, such as after school hours or during times when the students are out of school; and (3) consistent with the Communications Act, schools may not resell discounted services or network capacity. This order and notice do not permit or require any changes to E-rate applications due on February 19, 2010.

In addition, the Commission adopted a notice of proposed rulemaking, which seeks comment on revising the Commission's rules to make today's change permanent. The Commission also seeks comment on conditions that should be established to guard against potential additional costs being imposed on the E-rate program and to reduce the likelihood of waste, fraud, and abuse.

The E-rate program commits \$2.25 billion in funding annually to schools and libraries for eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections.

Action by the Commission February 18, 2010, by Order and Notice of Proposed Rulemaking (FCC 10-33). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn, and Baker, with Chairman Genachowski, Commissioners Copps, McDowell, and Clyburn issuing separate statements.

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