1. CoSN and Education Superhighway Launch E-Rate Cost Model

On May 28, CoSN and Education Superhighway (ESH) published a model and analysis providing the Federal Communications Commission with an estimate of the additional E-rate funds required to equip all schools with the local area network (LAN), Wi-Fi, and core wide area network (WAN) consistent with the Administration's ConnectED vision and timeline (connecting 99% of students by 2018). The analysis, which builds on CoSN's 2013 national E-rate survey, estimates a cost of $800 million per year ($3.2 billion total). CoSN's 2013 survey hinted at the huge undertaking ConnectED would be, finding that only 43% of schools have LAN and WiFi networks capable of supporting digital 1:1 learning. CoSN and ESH recently presented the model to senior FCC staff and other stakeholder groups, and are now making it publicly available to ed tech leaders. For further information about the model, please visit CoSN's website.

2. What's Happening at the FCC?

Net Neutrality

On May 15, the Federal Communications Commission (FCC) voted 3-2 to open a notice of proposed rulemaking (NPRM) regarding the agency's "net neutrality" or Open Internet rules, which were created to ensure all content delivered over the Internet is treated equally. The agency's three Democratic commissioners voted in favor of opening the plan to public comment while its two Republican members voted against opening the rulemaking, arguing that it exceeded the agency's legal authority, that there had been no evidence of actual harm or deviation from net neutrality principles, and that elected members of Congress should decide the issue, not regulatory appointees. Given this disagreement and the intense public reaction to the Chairman's proposal to date, the rulemaking is expected to be very contentious. If you have comments to contribute, file comments before July 15, 2014.

The NPRM appears to permit content providers to pay for a guaranteed "fast lane" of service. Some opponents of the proposed plan argue that allowing some content to be sent along such a fast lane would essentially discriminate against other content. CoSN is concerned this regulatory gap could stifle education technology innovation or lead to poorer services for poorer organizations.
CoSN issued the following statement regarding the Federal Communications Commission's new net neutrality proceeding: "As the voice for school system technology leaders, CoSN calls on the FCC to carefully evaluate the impact of net neutrality regulations on classrooms and other digital learning opportunities. Our nation must ensure that students and teachers are not left behind on the Internet because others can pay for faster broadband. Ensuring that the Internet stimulates and nurtures learning innovations is a top priority for CoSN and our members, and this requires robust broadband at the lowest cost to achieve the President's vision of ConnectED."

**E-rate Modernization Workshop**
On May 6, the FCC held an E-rate Modernization Workshop as part of the agency’s effort to communicate with the public about the best strategies for updating the program. The Workshop featured remarks by all five FCC Commissioners, including Chairman Wheeler, and featured two sessions: (1) a panel discussion with school and library leaders on broadband-enabled opportunities; and (2) a roundtable discussion covering expanding Wi-Fi access for schools and libraries and approaches for obtaining affordable broadband access through the E-rate. The Chairman noted the importance of modernizing the E-Rate program to bring wireless access to schools and libraries, remarking that “it’s about the person, not the building or the classroom." Commissioner Rosenworcel’s remarks emphasized the importance of allowing for multi-year contracts to provide schools and libraries the ability to plan strategically for their futures and to help reduce the program's administrative costs. Much of the morning roundtable was spent discussing the installation of Wi-Fi networks for schools and libraries and the need for better and more affordable management of wireless access once installed. The afternoon roundtable session addressed varying strategies for reducing costs, including the creation of state-wide or nation-wide buyer consortiums. The full video of the workshop is posted at [http://www.fcc.gov/events/e-rate-modernization-workshop](http://www.fcc.gov/events/e-rate-modernization-workshop).

### 3. WHAT’S HAPPENING ON THE HILL?

**DoE Advocates for Congressional Appropriations**
Sec. Arne Duncan appeared before the Senate and House Appropriations Committees and the Senate Budget Committee in May to discuss the Administration's FY'15 budget request for the Department of Education. Sec. Duncan highlighted the Administration's request for $200 million for a "ConnectEDucators" initiative, which would help teachers use technology to personalize learning and improve instruction. Sec. Duncan said the program would complement the White House's proposed ConnectED initiative to equip schools and libraries with high-speed broadband connectivity and benefit educators and students by creating high-quality, open digital learning resources.

**Notable Legislative Action**
On May 14, Sens. Markey (D-MA) and Hatch (R-UT) released a [draft of a bill](http://www.fcc.gov/events/e-rate-modernization-workshop) that would amend the Family Educational Rights and Privacy Act (FERPA) of 1974. Among other changes, the proposed "Protecting Student Privacy Act of 2014," would:

- Mandate new data-security safeguards for private companies;
- Prohibit the use of personally identifiable student information for advertising;
- Provide parents with the right to access and amend their children’s information;
- Require districts to maintain a record of all the outside companies that have access to student information;
- Promote "data minimization," by seeking to meet data requests with non-personally identifiable information wherever possible; and
o Require that all personally identifiable information held by outside parties eventually be destroyed in order to prevent private companies from maintaining permanent dossiers on students.

On May 8, the House of Representatives approved bipartisan legislation (HR 4366) to reauthorize the Education Sciences Reform Act (ESRA). Among other areas, ESRA governs the work of the Institute of Education Sciences, the Comprehensive Centers systems, and the State Longitudinal Data Systems program. The measure seeks to make IES's research and other work more relevant and timely, calls for new data collection related to graduation rates, school discipline and other issues, and proposes to begin shifting the SLDS program improving data use (not just building data systems). We do not expect the Senate to consider the House bill and the HELP Committee has not yet written an alternative bill.

Applications for Assistive Technologies New Awards
The administration posted an application for a new educational technology award on May 9. The purposes of the Educational Technology, Media, and Materials for Individuals with Disabilities Program are to improve results for children with disabilities by: (1) Promoting the development, demonstration, and use of technology; (2) supporting educational media activities designed to be of educational value in the classroom for students with disabilities; (3) providing support for captioning and video description that is appropriate for use in the classroom; and (4) providing accessible educational materials to students with disabilities in a timely manner. Estimated available funds for these awards are $1,200,000.

4. DATA PRIVACY BRIEFING
On April 24, the Congressional E-Learning Caucus held a briefing on best practices for ensuring student security while encouraging innovation in K-12 education. The panelists were Richard Culatta (U.S. Department of Education), Kecia Ray (International Society for Technology in Education), Jules Polonetsky (Future of Privacy Forum), and Rich Contartesi (Loudoun County Public Schools). David Hoffman of Intel moderated the briefing.

Mr. Culatta noted that it is important to provide students with protected spaces for learning, but expressed caution about the unintended consequences of data restrictions. Mr. Culatta is optimistic that a middle ground will be reached, stating that rigorous data privacy and personalized learning are not mutually exclusive. He suggested streamlining schools’ resources, tools, and contracts with third-party vendors, as well as pushing the industry to make contracts using simple, clear, and easily understood language. He also suggested creating a "Good Housekeeping" seal of approval for privacy to help schools and parents easily identify appropriate partners. He concluded his remarks by urging attendees to look up the USED’s updated guidelines for FERPA, which may provide greater insight into effective use of the law.

Ms. Kecia Ray said that technology is necessary for personalized learning because it extends a teacher’s reach. She noted that some of her ISTE members conduct extensive background checks on all potential vendors, and some vendors enter into strict data privacy contracts; such agreements should be nailed down at the beginning of the relationship to avoid later misunderstandings.
Mr. Jules Polonetsky stated that it is critical to find a balance between technological access and data privacy because technology use will only increase over time. FERPA is an old law that does not truly apply to today’s technological circumstances, and we need updated laws that are more directly related to the issue. In the meantime, he advocated for stronger agreements and contracts between districts and third-party vendors.

Mr. Rich Contartesi explained that his district (Loudoun County, VA) created a non-disclosure agreement for all data contracts because it experienced a major security breach. The county has started profiling all vendors for data responsibility. Mr. Contartesi also noted that Loudoun is using CoSN’s privacy toolkit to maintain strong data security and privacy. Mr. Polonetsky concurred with Mr. Contartesi about the effectiveness and usefulness of the CoSN toolkit for schools and districts.

The moderator, Mr. David Hoffman, asked: given that FERPA is dated, how can federal and state governments create environments that allow privacy and access? Mr. Polonetsky responded that we need to start with capacity. States are starting to have chief privacy officer positions in their education departments. Though this is not possible for all districts and schools, it is an increasingly important role. The federal government needs to made sure districts and schools have the capacity to follow the current laws, and then help fill in gaps where needed. Mr. Culatta answered that we need to create economies of scale that will allow best practices to be shared. It is not necessary to have districts and schools develop the same policies and contracts from scratch, nor is there the capacity to do so. Culatta closed by saying the role of Department of Education is to help share successful examples.

If you have thoughts on the thorny issue of student privacy, please let us know! Our Protecting Privacy in Connected Learning initiative is working to navigate it, and we need your input to make sure it’s serving you to its fullest capacity.

5. UPCOMING POLICY EVENTS

June 10 – Senate Labor, HHS, Education Appropriations Committee expected to consider the Department of Education’s Fiscal Year 2015 Budget

July 12 - Unofficial FCC goal for publishing a Final Order in the E-rate proceeding

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