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## TECH

## Schools are shutting down for the year—here's how the FCC can get kids online now

Some experts—and lawmakers—want the agency to do more.



Andrew Wyrich

Updated on March 25 2020 8:59 am CDT



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As schools across the country [move toward virtual learning](#) as they shut down their buildings amid the [coronavirus](#) emergency, it has highlighted the [digital divide](#) that exists between students who have readily available internet access and those who do not.

Students without access—an issue known as the “homework gap”—are immediately put at a distinct disadvantage, and a number of lawmakers have been calling on the [Federal Communications Commission](#) (FCC) to step in and help narrow that gap. As many as [12 million children](#) are estimated to be affected by the “homework gap.”

56.6 million students are enrolled in public and private elementary, middle, and high schools in the United States, according to the [National Center for Educational Statistics](#), so potentially up to 20 percent of students do not have adequate WiFi at home.

Just yesterday, Virginia [announced](#) it would not reopen public schools for the rest of the year. Other states are likely to follow suit soon, and with a lengthy shutdown approaching, the gap in online learning matter more than ever.

The FCC has announced a number of initiatives to help more people get connected to the internet in the wake of the coronavirus emergency. But some experts, lawmakers, and members of the agency believe it can do more.

Gigi Sohn, a distinguished fellow at the Georgetown Law Institute for Technology Law & Policy and former FCC counselor, told the Daily Dot she commended FCC Chairman Ajit Pai and the agency for some of their moves, but stressed that its decisions in the past—including [abdicating its authority](#) to oversee broadband providers as part of its [net neutrality](#) repeal—have created a situation where they are asking for participation instead of being able to require broadband providers to step in and help.

During the repeal, the FCC classified ISPs under Title I of the Communications Act, reversing them from Title II of the act, which has more regulatory authority.

“I commend him for doing something, but there’s so much they can do, and there is so much more they’d be able to do if they had the authority. I think that’s really, really important to point out. This FCC has neutered itself from being able to do more than beg.”

Sohn added:

“They’re doing some good things and deserve credit for it, but they’re not doing nearly enough... The reason we’re in this position in the first place is because of bad policy. We’re in this position because the FCC has abdicated its authority over broadband. It can’t tell the providers what to do, it has to beg them to do things in a national emergency.”

Matt Wood, the vice president of policy and general counsel at Free Press, felt similarly—and also noted that the FCC could be doing more if they hadn’t eschewed their authority over broadband with the net neutrality repeal.

“The simple bottom line is the FCC could and should be doing more,” Wood told the Daily Dot, adding: “The problem goes back to Title II and FCC authority. If they hadn’t given up their authority, then they could do more than just plead. They could require ‘just and reasonable’ service, in the words of the statute, at this time for students and everybody else who needs it.”

On Monday, Free Press released [a series of proposals](#) to keep the US connected amid the coronavirus emergency, laying out its suggestions for congressional spending and FCC actions. The plan included: boosting funding for the FCC’s Lifeline program and its E-Rate program, and spending \$50 billion for broadband deployment in rural and unserved areas of the country.

In recent weeks, the FCC has announced a number of moves that it says will help Americans stay connected as more and more people are self-quarantining, staying home, or attending school virtually as a result of coronavirus.

One of those was the “[Keep Americans Connected Pledge](#),” where the FCC is requesting internet service providers (ISPs) to not terminate service to residential or small business customers if they can’t pay bills because of coronavirus; to waive late fees; and open up public WiFi hotspots to whoever needs them, for 60 days.

The pledge is not binding.

Several ISPs and wireless companies have signed the pledge—including major players like AT&T, Charter, Cox, Comcast, and Verizon. Sohn questioned what would happen if the ISPs decide not to adhere to the pledge after the 60-day window, or a possible extension after that.

The FCC has also [waived certain requirements](#) to participate in the Lifeline program, which helps provide service to low-income Americans. It also [temporarily waived](#) “gift rules” in its Rural Health Care and E-Rate programs intended to stop hospitals, libraries, and schools that participate in the programs from getting things for free from internet providers.

Now, with the rules lifted, those participating in the programs can accept donated equipment, for instance. The rules were previously in place to prevent fraud, according to [CNET](#).

The FCC did not immediately respond to a request for comment from the Daily Dot on its efforts.

While the FCC has made some moves, lawmakers—and even members of the FCC—are looking for more.

FCC Commissioner Jessica Rosenworcel said the FCC should update the E-Rate program—which is used to help schools and libraries get broadband access—to “let school libraries loan out WiFi hotspots” in an [op-ed for Romper](#), adding: “By updating the E-Rate program we can help more families keep their children learning during these challenging times. In my role at the agency, and as a mom, I think solving the Homework Gap like this is the right thing to do because now is the time to help every child get online.”

Last week a group of 16 senators [asked the FCC to use funding from the E-Rate program](#) to give schools a one-time discount on devices that would help students get online.

“We believe that the FCC can use its emergency powers to temporarily waive relevant E-rate program rules and allow its beneficiaries to utilize universal service funding to provide home wireless service to existing school devices and hotspots for students who lack internet access at home,” the senators wrote. “This swift, immediate action would help ensure that all students can remotely continue their education during the current public health emergency.”

Sen. Michael Bennet (D-Colo.), one of the congresspeople who signed the E-Rate letter, also believes the FCC should commit to not canceling access to the Lifeline program and should fix its widely-criticized broadband maps, his office told the Daily Dot.

“It shouldn’t take a pandemic for America to take seriously the injustice of 12 million kids without access to internet at home. If we are serious about expanding opportunity and building an economy for all, one of our first priorities needs to be closing the digital divide and ensuring that every child has access at home to reliable, high-speed broadband,” Bennet said.

Similarly, a group of senators last week also asked the agency to [create a portal for people to see where public WiFi hotspots are in their region](#) and get the latest information about how to get connected to the internet.

They argued that this would help the millions of students suffering from the “homework gap.”

“As states temporarily close their schools and move to online instruction to protect the health and safety of students, faculty, and staff, the FCC must take action to expand internet availability and keep Americans informed,” the senators wrote in the letter, adding: “Without swift action from the FCC, students from households without access to high-speed internet face challenges in learning from home while their schools are closed.”

Sohn said while there was “no silver linings in the dark cloud of COVID-19,” she hoped that once the coronavirus pandemic has subsided, the stark contrast between students—and adults—who have access to high-speed internet and who don’t will have been demonstrated enough that lawmakers take serious action to close the digital divide and take a look at issues including price, competition, device availability, and more.

"I'm somewhat bemused by the fact that for the last two years all legislators want to talk about is Google, Facebook, and Amazon. And now this crisis has shined a light on how important the network is. We actually need the internet. You can talk about whether we need Facebook, or Amazon, or what have you. But we need the internet to stay connected—it's the only way we can stay connected now. So it's shined a light on a.) how important the network is and b.) how lousy our broadband policies are and how many people are not connected."

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First published: Mar 24, 2020, 6:30 am CDT



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Andrew Wyrich is the newsletter editor at the Daily Dot. He previously served as the deputy tech editor. Andrew has written for USA Today, NorthJersey.com, and other newspapers and websites. His work has been recognized by the Society of the Silurians, Investigative Reporters & Editors (IRE), and the Society of Professional Journalists (SPJ).