



FCC RELEASES NATIONAL BROADBAND PLAN: WHAT'S IN IT FOR HIGHER EDUCATION?

The Federal Communications Commission (“FCC”) publicly released its National Broadband Plan on March 16, 2010. Among numerous policy proposals, the Plan includes several recommendations that directly or indirectly address broadband and higher education. The Plan (which is more than 365 pages) is available at <http://www.broadband.gov/download-plan/>.

The National Broadband Plan includes a number of recommendations that impact higher education, directly or indirectly. These are recommendations only; the Plan is a report to Congress and does not have the force of law. Most of the recommendations for higher ed require some action by Congress or the US Department of Education (“ED”), but a few would require action by the National Science Foundation (“NSF”), state accreditation organizations, or state government. In some ways, the Plan could be read as a “to do” list for ED with regard to broadband issues.

In many respects, the Plan lumps the K-12 and higher ed communities together – it speaks broadly of “education,” and it refers to “community anchor institutions”

without defining that term. We believe the term “anchor institution,” as used in broadband stimulus grant programs and elsewhere, includes higher education.

The Plan includes an entire chapter (Chapter 11) on Education, which consists mostly of recommendations for ED or for reforms to the FCC’s E-rate program (which is a K-12 issue more than a higher ed issue.)

PLAN OVERVIEW

The Plan considers broadband to be “an important tool to help educators, parents and students meet major challenges in education.” To make broadband a more valuable education tool, the Plan recommends promoting online learning,

For additional information concerning any of the material in this report, please contact Ken Solomon at ksalomon@dowlohnesh.com or 202/776-2566 or Meg Miller at mmiller@dowlohnesh.com or at 202/776-2914.

promoting access to data, and modernizing educational broadband infrastructure.

The recommendations for online learning are expansive. First, they address how to make digital educational content more readily available, including through changes in copyright law to create special educational licenses for digital content. Second, they propose specific support for online learning, including increasing the number of courses that can be taken online by K-12 and postsecondary students. Third, they propose approaches to increasing digital literacy and to targeting science, technology, engineering and mathematics training.

The proposals for access to data seek to create standards for all types of data related to education, including student records, financial information and RFPs for state and local educational agencies. The purposes of these proposals vary – the student data is intended to assist educators in evaluating student needs, while the RFP recommendation is intended to facilitate open bidding.

The educational infrastructure suggestions in the Plan, unlike the other proposals (which mostly require ED action), focus on the FCC and changes to its E-rate program. These changes include facilitating off-hours use of E-rate-funded services in schools; modifying the E-rate program to fund more services (such as funding more internal connections) and increase funding availability; and publishing more data on use of E-rate funds. The Plan also suggests Congressional funding to provide high-speed connectivity to community colleges.

PLAN RECOMMENDATIONS FOR HIGHER ED

The Plan's recommendations that directly impact higher education are:

Connectivity

The Plan recognizes that community anchor institutions need high-speed broadband connectivity and recommends that government develop a framework that will help anchor institutions obtain broadband connectivity. The Plan mentions, with favor, the "Unified Community Anchor Network" ("UCAN") concept that would expand the R&E network model to other community anchor institutions. The Plan, however, seems to suggest that UCAN would be a non-profit coordinating entity, perhaps with a national procurement role for bulk equipment and connectivity purposes, instead of an actual built and operating "network." The Plan also suggests establishing federal and state coordinators and consortia of anchor institutions, as a way to coordinate resources and capacity.

NSF

The Plan recommends that NSF use its technology transfer grants to spur regional innovation among local universities, development managers and the business community. The Plan suggests that NSF encourage consortia of smaller higher ed institutions to pool R&D resources to take advantage of NSF's pilot programs for university innovation grants. The Plan suggests that NSF should provide support for shared broadband networks for those consortium partners and others that receive innovation grants, so that groups of universities not connected to an academic network, like Internet 2, would receive

funding priority to expand connectivity infrastructure.

ED

The Plan includes the following recommendations for ED:

- With the FCC and the National Institute for Science and Technology, ED should set standards for locating, sharing and licensing digital educational content by March 2011.
- ED should periodically examine its digital data and interoperability standards (to ensure consistency with the educational community's needs).
- ED and other federal agencies should support and fund R&D for online learning systems.
- ED should consider investing in open licensed and public domain software for online learning solutions.
- ED should fund the development of innovative broadband-enabled online learning solutions.
- ED grant programs should help schools train teachers in digital literacy and programs targeting STEM.
- ED should encourage standards for electronic educational records.
- ED should develop financial data transparency standards for education.
- ED should provide an RFP online service to help link vendors of educational products and services with local and state governmental agencies.
- ED, with the FCC, the Federal Trade Commission ("FTC"), and the National Telecommunications and Information Administration ("NTIA"), should launch an Online Digital Literacy Portal, supported by public funds, that will partner with the technology and

education sector to approve or create high-quality online lessons.

Federal and State Government

The Plan includes recommendations for Congress other federal agencies and departments, and state governments, as follows:

- The federal government should increase the supply of educational content available online (compatible for ED standards.)
- Congress should consider action to encourage copyright holders to grant educational digital rights of use.
- State accreditation agencies should change K-12 and postsecondary course accreditation and teacher certification requirements to allow more online coursework and more online instruction across state lines.
- State education systems should include digital literacy standards in their English Language Arts Programs and other programs and adopt online digital literacy programs targeting STEM.
- States should expand digital literacy requirements and training programs for teachers.
- Congress should provide additional public funds to connect all public community colleges with high-speed broadband and maintain that connectivity.
- Government should promote demand aggregation, use of state, regional and local networks, and the ability of community institutions to serve as broadband anchors.

NEXT STEPS

The FCC has completed its action on the Plan, and technically is not required to do anything else. Nevertheless, it is likely that there will be significant activity in the weeks and months to come.

First, both houses of Congress are conducting hearings on the Plan. The Commissioners will be attending those hearings, which are likely to explore, in part, what steps Congress might take to implement the Plan and what power the FCC and other federal agencies (like ED) have to move forward on their own.

Second, ED will react to the recommendations in the Plan, and specifically, those recommendations that

require action by ED. We think it is likely that ED will explore, through notices of proposed rulemakings or other means, ways to implement at least some of the recommendations in the Plan.

Finally, the FCC (as the hub agency for the Plan) will begin to issue notices of proposed rulemaking to implement aspects of the Plan in the next few weeks. Given the number of proposals that have to be addressed (which go well beyond the proposals impacting higher ed), this process could continue for several months. For the FCC, we think it will be the highest level of activity at the FCC since the enactment of the Telecommunications Act of 1996.