



**Testimony of the Pennsylvania Association of Intermediate Units  
Dr. Eric G. Rosendale, Executive Director of Beaver Valley Intermediate Unit #27  
Senate Education Committee  
April 12, 2021**

Good Morning Senator Martin, Senator Williams, and members of the Senate Education Committee. My name is Dr. Eric Rosendale. I am here today both in my capacity as Executive Director of the Beaver Valley Intermediate Unit #27, and in representing my colleague IU Executive Directors as Chair of PAIUnet, the statewide K-12 broadband network operated by Pennsylvania's Intermediate Units.

Every year, hundreds of thousands of students, educators and adults receive services from one of Pennsylvania's twenty-nine intermediate units (IUs). As public, regional educational service agencies, IUs provide educational, administrative, and technology services to the Commonwealth's school districts, charter schools and non-public schools.

As a result of COVID, the systemic inequities facing schools across the Commonwealth have been exposed. Perhaps one of the greatest inequities within education is the access to broadband. Today, technology is central to providing a high quality 21<sup>st</sup> century K-12 education for our children. IUs understand this reality well:

- IUs work with districts that seek to transform instruction to a personalized, anywhere/anytime experience for students. That is not possible without broadband access in the schools and in the community.
- IUs and districts offer tens of thousands of students the option of taking classes online. That is not possible without broadband access at school and at home.
- IUs work every day with principals and teachers on ways to leverage high quality digital resources to enhance, if not genuinely transform, instruction in the classroom. This requires both broadband access and sufficient bandwidth in all our schools.

However, as the pandemic spread, schools and families were forced into virtual learning opportunities. While many schools were adept at delivering virtual instruction and were able to pivot from face-to-face instruction to virtual instruction, many others did not possess the infrastructure and skill to deliver virtual instruction.

PAIU shares the view expressed in our nation's National Education Technology Plan from the USDepartment of Education that states:

*“Technology can be a powerful tool for transforming learning. It can help affirm and advance relationships between educators and students, reinvent our approaches to learning and collaboration, shrink long-standing equity and accessibility gaps, and adapt learning experiences to meet the needs of all learners.”*

As I am sure the Committee has heard there is still important work to be done in ensuring broadband access to every community and home in Pennsylvania. When it comes to broadband access at schools, there is a very good news story to tell. We think it will be useful for the Committee to understand what exists in Pennsylvania and, importantly as you consider strategies going forward, how we got to where we are today with our schools.

According to the non-profit group *Education Superhighway* which reviews school and state data regarding broadband access in schools:

- 100% of Pennsylvania public school students attend a school that has internet at speeds that meet the current national minimum standards (100 kbps/student). In fact, the medium Internet speed per student in PA is 727 kbps.
- Since 2016, 81% of Pennsylvania's schools have upgraded to scalable fiber infrastructure. Less than 35 schools remain connected via cable or wireless services.
- Since 2015, the cost of Internet access to schools in Pennsylvania has decreased 79%.

Intermediate Units are proud to be playing a significant role in delivering broadband access to schools. Intermediate Units operate PAIUnet - Pennsylvania's network for K-12 education, a system of telecommunications fiber infrastructure reaching schools in every corner of the Commonwealth.

PAIUnet starts with Intermediate Units (IUs). IUs connect to their member school districts through Regional Wide Area Networks (RWANs), which in turn connect to their schools. These regional IU networks link to PAIUnet, which provides access to other statewide resources and internet. The result is a seamless network of interconnected schools all linked together with high-speed broadband.

Thanks to PAIUnet, schools, educators and students can access online educational resources securely and reliably through “peering” without traversing the traditional commodity internet. Districts can access high quality, on-demand educational products from companies such as Google, Apple, Amazon, and others.

The pathway to broadband access at schools started 18 years ago and is relatively easy to trace. Two programs – one state and one federal – are largely responsible for making broadband access to schools possible: Pennsylvania's E-fund program, and the federal E-Rate program.

Act 183 of 2004 established Pennsylvania's E-Fund program. Act 183 created a more flexible regulatory environment for telecommunications companies in exchange for companies contributing to a fund, administered by the Pennsylvania Department of Education, for education technology improvements.

The E-Fund program made grant awards over the course of six years. The program ended after the \$60 million were expended.

The Schools and Libraries Program, popularly known as E-rate, is a Universal Service Fund program designed to help public and nonpublic schools and public libraries gain access to affordable telecommunication services, high-speed internet access, and internal Wi-Fi equipment. Administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission (FCC), K-12 schools and libraries across the country may apply annually for eligible services and equipment, which they procure at a scaled discounted rate, after a rigorous competitive bidding process.

From 2005 to 2010, the state E-Fund program provided nearly \$60 million to eligible school entities. Over \$21 million of those grants went to education consortiums led by Intermediate Units to build Regional Wide Area Networks (RWANs) connecting the school districts in their geographic areas. These RWANs also leveraged over \$31 million from the federal E-Rate program, resulting in a total investment of over \$52 million to build a robust educational broadband infrastructure.

In 2008, once again with funding from E-Fund and E-Rate, IU leaders agreed to connect the RWANs across the Commonwealth to create Pennsylvania's statewide K-12 education network PAIUnet. Today the IUs are in their third round of a competitive bid process to secure the most affordable, modern and efficient telecommunications services possible to serve school districts, charter schools, non-public schools and libraries throughout Pennsylvania.

While Pennsylvania's E-Fund program no longer exists, the federal E-Rate program remains the single-largest source of education technology funding for the nation's schools and libraries. Each year \$3.9 billion is available to fund both broadband access connections to schools, and broadband and Wi-Fi related equipment within the school.

E-rate discounts range from 20-90%, depending on the relative poverty level of a school and its rurality. For example, if a school's discount is 60%, the federal E-rate program would pay 60% of the eligible cost, and the school would be responsible for paying the remaining 40%. In Pennsylvania, the average E-rate discount is 69%. Since the E-rate program began in 1998, Pennsylvania's schools and libraries have been committed more than \$1.5 billion, with every school district receiving E-rate discounts either through their own applications or via consortium with their local Intermediate Unit. In 2019 alone, PA schools and libraries received more than \$64 million.

As the Committee moves from your hearings to developing an action plan on broadband access, we would like to offer several suggestions for your consideration.

The importance of E-Rate to public education cannot be overstated. Given the significant dollars involved, it is no surprise that the E-rate program is highly regulated. From time to time the FCC considers policy changes to the E-Rate program that can have significant consequences for schools: sometimes positive, sometimes negative. We urge this Committee to monitor E-Rate policy and be a strong advocate for Pennsylvania schools before the FCC and members of Congress.

While we have described the broadband access that exists for most schools in Pennsylvania, there are schools in certain geographic locations where it is cost prohibitive for schools to obtain fiber

connectivity, as there continues to be no business case for service providers to invest in those areas. PAIU implores you to dedicate a portion of the extensive federal broadband funding that is coming to the state be dedicated to bringing fiber to the remaining school buildings in the state. Additionally, it is imperative that the state develop a plan to connect students' homes where broadband currently doesn't exist. Education no longer ends at 3:00 and all students need access to high-quality internet access at home. Pennsylvania must seize this opportunity to bring broadband to all corners of the Commonwealth, which will not only improve education but also economic development and the daily lives of Pennsylvanians. Where possible, Pennsylvania should seek to leverage the robust educational broadband networks already established to close the "Homework Gap" faced by many students. This could be accomplished by extending the existing school district networks via a variety of technologies so they can be accessed by students at home or in community centers.

We recognize that to achieve the objective of expanding broadband across the Commonwealth, financial resources are necessary. There are several federal funding sources available including many funds within the American Rescue Plan, i.e., Coronavirus Capital Projects Fund, Emergency Connectivity Fund, Coronavirus State Fiscal Recovery Fund, Coronavirus Local Fiscal Recovery Fund, Economic Development Administration. Given the multiple sources of funding, it would be important and more effective to coordinate efforts between federal, state and local initiatives. As an example, Some states have hired digital ambassadors and/or created a Central Broadband agency to help coordinate the funding and the efforts.

Another area for the Committee's consideration would be to resolve a conflict between E-Rate rules and state procurement laws. E-rate rules prohibit applicants from listing a specific manufacturer in their competitive bids but they DO allow schools to consider other factors besides price during their bid evaluations. However, PA procurement rules allow schools to specify a manufacturer, but do NOT allow schools to consider other factors during their bid evaluation, requiring them to select the lowest-cost bid among qualified bidders. For example, if a district needs an additional Cisco switch to upgrade their existing Cisco infrastructure, E-rate rules prohibit districts from asking for Cisco-only bids. Thus, they will receive bids from HP, Alcatel, Dell, Ruckus, etc., and very often, their preferred (needed) manufacturer is not the lowest bid.

This puts Pennsylvania public schools in an incredibly difficult position, as they are not *permitted* to consider additional bid evaluation factors during a formal sealed commodities procurement. Pennsylvania state law permits establishing that the vendor is a responsible bidder and has met the minimum qualifications in the RFP in order to be considered; however, among all bidders that have been deemed responsible and met the minimum specifications, schools *must* select the low bid for equipment. Outside of E-rate, this is not a concern or barrier for local public school officials as state procurement rules permit schools to specify a certain manufacturer in their bids. But because of these conflicting rules, Pennsylvania school are caught in an untenable position of choosing between the lowest cost vendor for a manufacturer product line for which they have thoughtfully standardized in their district, and complying with E-rate rules and purchasing a product with the lowest bid from a myriad of manufacturers that they do not wish to utilize.

No other state has such a conflict. We respectfully request that the Committee consider revising the

Pennsylvania Association of Intermediate Units  
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procurement laws for Pennsylvania public schools to allow them to consider otherbid evaluation factors besides price for E-Rate eligible technology equipment purchases, or exempt schools from the state procurement rules if they are using the strict E-Rate procurement rules for E-Rate eligible technology equipment purchases. Not only would this simple legislative change save money for Pennsylvania schools, it would put them on the same playing field as all other public schools in the country. PAIU already has draft legislative language drafted and we are happy to share this language with the Committee. The next round of E-rate funding for wi-fi and internal networking equipment begins this October, so the sooner we can get this legislative fix in place, the better it will be for schools and the more money that will be saved.

Once again, on behalf of Pennsylvania's twenty-nine IUs I want to thank the Committee for including us in today's hearing. We stand ready to work with members of this Committee and the rest of the Pennsylvania General Assembly to ensure broadband access everywhere in the Commonwealth.