



FEDERAL LEGISLATIVE UPDATE

June 12, 2018

The Uphill Battle to Save Net Neutrality

On June 11, the regulatory protections referred to as 'Network Neutrality' ended. The regulations, put into place in February 2015 by Federal Communications Commission (FCC) Chairman Tom Wheeler, classified broadband access as a telecommunications service, which meant it was subject to 'common carrier' provisions, which prohibit providers from discriminating in how broadband is used. The vote to rescind the regulations was led by President Trump's FCC Chairman, Ajit Pai.

AESA does not have a long history on net neutrality, and in fact much of our effort in this space is as much a reaction to Chairman Pai's changes to net neutrality and the confluence of policies he has advanced. We have done this, because when taken together, this approach runs counter to AESAs federal legislative agenda.

AESA's legislative agenda, set by its membership through the annual Federal Advocacy Committee states:

Expand the scope of services from infrastructure to classroom. • Protect the ability of schools, libraries and ESAs to continue to provide affordable, equitable access to broadband and content to students and ensure that federal policy allows 24-hour learners to have 24-hour access.

However, the advanced FCC policies run counter to, and undermine, programmatic changes designed to bolster and grow Internet access for education.

E-Rate: In 2017, the Chairman released a notice of proposed rule-making that would have started a conversation to rescind or reduce funding available to support the E-Rate program. ([This blog contains more information.](#))

- Lifeline: Lifeline is a sister program to E-Rate, and is a program that has historically helped low-income homes afford phone access. In 2014, the program was modernized to allow beneficiaries to use the program to choose to get broadband access. Internet access at home is an important element of addressing the homework gap, the reality where students are unable to do homework because they lack home access.

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Unfortunately, in 2017, Chairman Pai took steps that significantly limit the ability of Internet providers - those willing to provide Internet in these under-served or geographically isolated communities - to operate in this sphere, essentially bringing the important modernization to a halt.

- **Net Neutrality:** When it comes to net neutrality in the K12 setting, equitable access to broadband is a critical element to promoting and growing educational equity. AESA is concerned that the FCC's partisan vote to end network neutrality serves the exact opposite purpose, slowing or even growing broadband connectivity gaps. The network neutrality protections offered a strong complement to the E-Rate equity focus, impacting access to not only affordable broadband access, but also the educational content, tools and access it provides to students and educators alike. EdWeek's Market Watch has a [good explainer](#) on the education angle of net neutrality.

Collectively, these changes represent not only a missed opportunity, but a threat, to ensuring continued equitable access to connectivity for students and schools.

What can be done?

There is momentum on the Hill to reinstate the regulatory protections via legislation. AESA supported the Senate version of the bill--which was passed in May--to reinstate the protections. The vote now goes to the House. This is an admittedly uphill battle.

While the general public broadly supports continuing the protections, it is a partisan issue on the Hill, with the GOP leading the effort to end the regulations. Speaker Ryan does not want to take this vote because he not only doesn't support it, but it would be a rough vote for his party to take going into mid-term elections when any press about opposing the protections would certainly translate into primary and general election campaign fodder. Even if we are able to force a House vote (low chance), and it passes the House (even lower chance), it is all but certain President Trump would veto the bill, thereby ensuring the end of network neutrality during his tenure.

That said, it is a year of crazy firsts and unexpected things happening. To that end, if you find yourself reaching out to your Congressional delegation, make sure to tell your Representative that you support the continuation of the net neutrality protections and urge them to vote for the legislation to extend the protections.

Federal Advocacy Assistance from AESA

If you need assistance with either composing your comments to submit to your legislators, or if you need any other federal advocacy assistance, please contact me, or Noelle Ellerson Ng, AESA Federal Legislative Liaison, at nellerson@aasa.org.