

Congress of the United States

Washington, DC 20510

July 29, 2020

Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary DeVos and Secretary Perdue,

Like many states, districts in Nevada are preparing to begin the school year with virtual or hybrid learning. We believe it is incumbent on the Nevada Congressional delegation to work with local school districts and internet providers to ensure that every student has access to a device and quality, reliable internet to access online learning.

With support from Nevada Superintendent of Public Instruction Jhone Ebert and Superintendent Russell Fecht, President of Nevada Association School Superintendents, we are writing to request your assistance to clarify how we might help Internet service providers with low-cost programs connect more families to broadband.

To access these low-cost programs, internet providers require confirmation that families are currently on federal aid such as the Supplemental Nutrition Assistance Program (SNAP) or Free and Reduced Lunch (FRL) in order to extend these low-cost offers to families. We have heard from districts that are concerned about confirming which families are utilizing federal aid because they do not want to violate the Family Educational Rights and Privacy Act (FERPA).

We are writing with an urgent request that your department provide clarification to school districts in Nevada about how they can confirm family enrollment in the FRL program without violating FERPA.

One provider has suggested that districts provide the addresses of students who are enrolled in FRL to providers to “pre-qualify” these families for the low-cost program. Providers would sign an agreement that they would not utilize this information for marketing or any other purposes. This would significantly speed up the qualification process for these families who are in need of internet access before the school year starts on August 24.

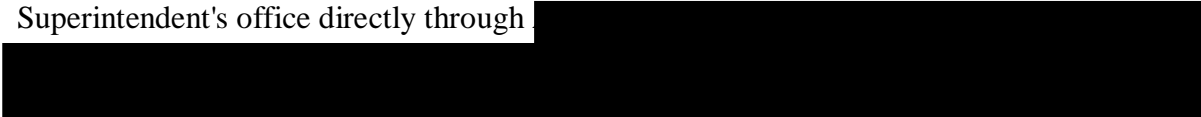
We are encountering a troubling situation where some students on FRL are pre-qualifying for this program because they attend Community Eligibility Provision (CEP) schools, which as you know “allows the nation’s highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications”¹. However, that leads to a

¹ <https://www.fns.usda.gov/school-meals/community-eligibility-provision>

situation where other students on FRL who do not attend a CEP school will not have the chance to pre-qualify, and therefore may not have access to the same educational opportunities as others in their community. We cannot allow for this digital divide to grow further amongst our students most in need of support.

We are asking you to please provide this clarification as soon as possible, so that we can work with internet providers and school districts throughout Nevada to bridge the technology gap that threatens to put some of our most vulnerable students far behind in their studies.

As schools in Nevada are starting in the coming weeks, we request a response within 7 days. Please contact us, or our staff (provided below), if you have any questions. Or contact the State Superintendent's office directly through



Sincerely,

Catherine Cortez Masto
United States Senator

Jacky Rosen
United States Senator

Dina Titus
Member of Congress

Mark E. Amodei
Member of Congress

Susie Lee
Member of Congress

Steven Horsford
Member of Congress

CC – Nevada delegation education staff list:

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