



Thursday, August 20, 2020

The Honorable Tony Thurmond
Co-Chair, Digital Divide Task Force

The Honorable Mike McGuire
Member, Digital Divide Task Force

The Honorable Autumn Burke
Member, Digital Divide Task Force

The Honorable Miguel Santiago
Member, Digital Divide Task Force

The Honorable Connie Leyva
Co-Chair, Digital Divide Task Force

The Honorable Cecilia Aguiar-Curry
Member, Digital Divide Task Force

The Honorable Eduardo Garcia
Member, Digital Divide Task Force

The Honorable Jim Wood
Member, Digital Divide Task Force

Re: Policy Recommendations to Close the Digital Divide

Dear Co-Chairs and Members:

Education is a fundamental constitutional right in California. Despite this guarantee, there is abundant evidence that low-income children, and in particular low-income children of color, are provided far less adequate access to education. Now because of the COVID-19 pandemic, access to education for Black students, Indigenous students, and students of color is being further impinged as the number of instructional hours has declined for these student populations and even more so for students with disabilities, [English Learners](#), and those in immigrant and mixed-status households. The truth of the adage, “a student’s ZIP code should not determine their destiny,” cannot be disputed. Even so, measures of access to online education, overlay mapping, and research on connectivity prove location drives the Digital Divide with a vengeance. Indeed, broadband access mirrors the historic effects of systemic racism; the very same neighborhood clusters that were [redlined](#) to prevent Black families from accumulating wealth are the ones where households have the least access to the Internet. Just as “[separate but equal](#)” had to be ended “[with all deliberate speed](#),” we must urgently bridge the digital divide, and the Governor’s most recent executive order is a critical first step.

We are elated about the Governor's most recent executive order¹ that will speed up efforts in closing the digital divide to not just connect students, but ensure they are connected with high-quality, high-speed internet with an ultimate goal of reaching download speeds of 100 megabits per second. The desire to create a new State Broadband Action Plan along with the encouragement of multi-agency cooperation will be critical to the implementation of this statewide goal. This executive order is bold, and is exactly the type of aggressive action that we must take as a state in order to truly bridge the digital divide. As a diverse coalition containing stakeholders with varying expertise, we are ready to assist the State and the Task Force with creating policy solutions. It is our sincere hope that our collective voice and expertise can be utilized as an asset to the Task Force and the Governor.

With the onset of the COVID-19 pandemic, education has substantially changed and distance learning is now an essential component of public instruction. Therefore, adequate internet connectivity must be treated as indispensable to learning, and - much like textbooks - should be provided to students and families by their government. While the State should bear the responsibility of ensuring *all* students are connected to the internet, it must continue to hold Internet Service Providers (ISPs) accountable when appropriate. We wholeheartedly appreciate all of the support from collaborative private-sector partnerships working in tandem with the school districts and ISPs, most recently the T-Mobile/Apple collaboration that will help connect 1 million students in need to devices and the internet. However, we respectfully implore that the Task Force continues to prioritize solutions knowing that short-term remedies will not resolve the long-term impacts of countervailing policies that will continue to perpetuate connectivity issues in chronically unconnected and under-connected communities.

Free public education means we must continually work to break down barriers to learning, and local education agencies (LEAs) should be responsible and supported in ensuring that every student has the tools they need to learn, including a stable and reliable internet connection. Accordingly, all public schools pre-K through 16 should offer students who need it free internet access and computing devices with the hardware and software needed to meet their instructional needs. Even with federal financial support, the infrastructure and resources needed to yield this outcome cannot be amalgamated overnight, but we must do everything we can to eliminate barriers for low-income students of color.

Internet connectivity is far more than just about the academic implications for students, just as school success is dependent on so many non-classroom elements such as access to health care, counseling, and food supports (especially in the midst of a crisis). Students are returning to school to begin the 2020-2021 school year, however, tens of thousands of students and families still lack sufficient access to online learning, and those students that do have affordable broadband plans from commercial carriers will see their time-limited broadband subscriptions expire. There is serious urgency before this occurs for LEAs and Internet Service Providers to work together to ensure that families get connected and remain connected before the next school year, and certainly, as instruction continues into the fall and beyond. With this in mind, below you will find our policy recommendations to address the digital divide both immediately and long-term.

I. Internet Connectivity: An Essential Tool for Bridging Opportunity and Achievement Gaps

The relationship between internet usage and academic achievement is undeniable.² Students who are connected in the home, generally do better. LEAs have acknowledged that hungry students do worse academically and as a result, do everything in their power to ensure that students are well fed in order for them to focus on their education. They must recognize that the same issue exists with students who lack internet access. Students and families who cannot afford to be connected should not be punished any more than those who cannot afford a healthy lunch. We would respectfully implore the CDE and all school districts to commit to offering all of their students free internet access at no charge to them or their families. Until internet connectivity is seen as a

¹ [Executive Order N-73-20](#)

² <https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1050&context=studentwork>

fundamental right to free public education, families and students will continue to bear the financial and academic burdens of remaining unconnected.

While we understand that the State and school districts will not be able to financially connect every student in California, we believe it should be the ultimate goal for the CDE and LEAs to provide all students with free internet connections in order to ensure they succeed academically. Historically, LEAs have provided students with any necessary textbooks as well as free and reduced-price lunches. These two things are critical to the learning experience and as such, there is no expectation for families to bear these responsibilities especially when they are unable to. Instead, it is LEAs and the CDE that should bear the responsibility of providing students with free internet access as well as the hardware and software needed to meet the instructional needs not just as the pandemic unfolds, but also as education continues to evolve as the importance of technology becomes more apparent. This is not just a matter of equity and common sense, but it is paramount to addressing the achievement gap which has seen little to no substantial shifts.

II. Survey Community Needs

Family voices are critical to any solution the state moves forward with to close the digital divide. Without a statistically significant assessment of actual lived experience, household needs, and opportunities, we risk making assumptions and creating fixes that are not appropriate for the challenges we face. Therefore, to ensure the connectivity needs of students and families are actually met, all decisions and investments should be guided by local communities and informed by data. California currently has \$5.3 billion allocated to address equity issues and mitigate learning loss in school districts, including the procurement and provision of computing devices and Wi-Fi hot-spots, etc. However, in order for a district to qualify, they must have confirmation or provision of access for *all* pupils to connectivity and devices adequate to participate in the educational program and complete assigned work.³ This puts applicants in a difficult situation because they need funding in order to bridge the digital divide, yet a core requirement is to have every student already connected. We know this is already a barrier to learning for tens of thousands of students, but the state's primary source of connectivity data is based on ISP reports that are not granular enough and do not adequately capture the household perspective.

For this reason, the Task Force should partner with trusted Community Based Organizations and research entities to develop, disseminate and review a simple household survey to help assess internet connectivity and speeds, affordability offers, enrollment and adoption levels, computing devices per student, and challenges families face in affording and managing this new learning landscape. This survey could be primarily sent out quickly and data collected over text message (as well as offered online, and via paper where applicable) and could be a co-sponsored effort between the Task Force and the selected community and research partners. Timely collected data would be used to help guide the actions and investments necessary to close the digital divide. ISP, who would benefit from this more robust data as well, should support this effort financially as part of their commitment to ensuring affordable offers are accessible to eligible households. Further, as districts receive funding from the learning loss mitigation funds, the task force can then better prioritize where devices and connectivity supports are focused.

A survey of this kind will also have longitudinal benefits as it will provide a better understanding and baseline of the challenge our state faces as well as a series of data points to measure against as investments are deployed. This kind of undertaking should become a routine part of ensuring each student in our state has equitable access to a robust and meaningful education.

III. Standardize Eligibility, Pre-Qualification, and Targeted Outreach to Eligible Families: Use FRPM Eligibility as Proof of ISP Low-Income Plans Eligibility and Significantly Increase Spending to Advertise Affordable Offers to Eligible Families

³ Please note that this is not the only requirement a district must meet to qualify for the funding.

One immediate way that low-income families and students can be connected is to utilize Free and Reduced Price Meal (FRPM) eligibility as an application for low-income plans. An overwhelming majority of low-income potential subscribers are unaware of low-cost internet offers.⁴ Many of these same families participate in FRPM, therefore the state along with ISPs have an opportunity to take action by pre-qualifying families based on information that LEAs already have. ISPs can remove one of the biggest low-income plan adoption barriers by creating a single enrollment form used by all ISPs that qualifies low-income households with students eligible for the Free and Reduced Price Meals Program (FRPM), much like how Comcast currently does.

The FRPM program is administered by LEAs and families need only meet one income eligibility requirement by filling out a simple application annually. We already know that students on FRPM qualify for low-income broadband so using that as the basis for eligibility would align requirements to fit one simple, uniform criterion. Coordinating low-income internet plan enrollment with LEA's FRPM enrollment would ensure greater consistency and fewer denials of approval due to cumbersome applications or other systems challenges. Further, in a world where in-person interactions are highly discouraged and will probably remain so for the foreseeable future, this would also help alleviate the issue of families needing to provide physical FRPM letters from school nutrition offices which currently remain closed.

Another example of how ISPs and LEAs could collaborate would be to have LEAs provide information to families that meet FRPM requirements on affordable offers as well as information on non-profit partners that can assist families with the registration process. Families with children at schools with 70% of students meeting the FRPM requirements should be automatically enrolled in the most appropriate affordable offer when they contact an ISP. Furthermore, the state should require all counties to provide families receiving CalFresh benefits with a letter confirming participation in the FRPM (see attached). Many school district nutrition offices are closed during the summer and due to COVID-19, so parents cannot obtain the required documentation. All ISPs should accept these letters in order to complete the registration process.

Some ISPs have made progress trying to connect communities, however, their eligibility and enrollment processes are not currently aligned with each other. This is especially problematic because school districts, should they choose to work with ISPs on reaching families about affordable options, would have many different guidelines to follow for each ISP which vary greatly geographically. If this recommendation to streamline eligibility were implemented statewide, ISPs' marketing efforts would create efficiencies and increase the number of families reached, signed up, and retained. Clearer coordination with LEAs would also increase trust and engagement with families in an ongoing manner.

Of the low-income broadband services that ISPs offer, many already have dedicated some funding to market these programs. However, due to the significant number of unconnected families, apparent during this pandemic, ISPs should significantly increase and improve their efforts to inform and register eligible families on the affordable offers that best meet their needs. One group of Californians that need particular attention are English language learners who have disproportionately seen the greatest negative impacts on their educational attainment. This is compounded by the fact that their parents might also struggle with the English language themselves. This can be extremely consequential for students' education as parents might not be able to help their children with their assignments and thus rely on educators even more. However, if these families are not connected or do not have stable connections, it is students in these communities that will continue to suffer the most. This can be alleviated by ISPs if they not only target their outreach to these communities but also begin providing culturally sensitive, robust technological literacy programs in addition to the promotional offers they advertise.

⁴Internet Connectivity and the Digital Divide in California - 2019,
http://www.cetfund.org/files/002_CETF_2019_002_IGS_Poll_CA_Digital_Divide_ppt.pdf

A sustained and concentrated advertising program such as the numerous ones ISPs have done during COVID-19 when they advertised two months free, would work well. California Emerging Technology Fund (CETF) estimates this effort will require approximately \$30 million from ISPs over a 30 day period. At the end of this period, each ISP should provide a report to the state Department of Education on the number of families that subscribed for these offers during this time period as well as noting any obstacles they may have faced. This advertising should occur at the same time schools are encouraging families to enroll in the FRPM. This should be implemented immediately to preemptively address the connectivity crisis that awaits families as the promotional subscriptions services expire as the summer concludes.

IV. Remove Barriers to Adoption: Install/Activate Low-Income Services Prior to Processing Enrollment and Billing

Families that are eligible for low-cost internet continue to face persistent challenges from denials and delays by ISPs due to additional processing requirements, such as credit checks and installation delays. This creates unnecessary extra steps and burdens on families and results in lower levels of adoption. We are appreciative of the efforts of some ISPs to eliminate Social Security Number requirements and mandatory credit checks, but this is not enough for our communities. Delaying installation and activation until a low-income plan application has been processed is a denial of online instruction and support services. This issue would not exist if ISPs followed recommendations from sections I and II because proof of eligibility would be aligned with and confirmed by LEAs. We also bring into question whether these additional hurdles are consistent for all ISP enrollees, or just those income-eligible for the low-cost offers. If it is the latter, the continuance of this arbitrary practice is discriminatory.

Similarly, ISPs must end 30-90 day disconnection requirements as a condition of low-income plan eligibility or of transitioning promotional-offer users to ongoing plans, as this builds in unnecessary and punitive practices for families already facing challenges. Disconnecting households to a critical service is simply not acceptable and is counterproductive to the broader efforts ISPs undertake in helping the California Department of Education ensure that people adopt internet connections.

Another barrier we recommend ISPs end through standard policy is the aggressive upselling of households eligible for low-cost offers to higher-cost plans. This has been reported by a number of families to community based organizations that help promote and enroll households into affordable offers and is a stark example of a practice that should be eliminated immediately. The California Public Utilities Commission (CPUC) needs to look into upselling to determine what is acceptable for California and help ISPs meet that standard. The CPUC can conduct an annual survey of households of new subscribers to affordable offers to determine whether they encountered aggressive tactics during the sign-up process. The California Department of Education (CDE) should be provided a copy of the work each year so it has evidence of ISPs progress.

V. Improving Customer Service Experiences for Low-Income Plan Recipients

Imperative to the connectivity divide is what consumers are experiencing in the realm of customer service on the ground. If an individual's onboarding experience is complicated or confusing, some people will choose not to continue pursuing a connection thereby only perpetuating the digital divide. There seems to be a continued disconnect between what people are experiencing and what ISPs are reporting.⁵ ISPs already have policies aimed at addressing issues that their customers are reporting, however, we continue to find that said policies continue to be poorly implemented. We recommend that ISPs comprehensively train and audit their representatives to truly engage their customers equally, regardless of whatever plan they might be participating in or what language they speak. This type of incentivization will provide more insight as to what issues customers might continue to experience and provide more accurate feedback.

⁵ Examples of this disconnect can be found in [section 6](#) of previously submitted testimony.

VI. Dissemination of Best Practices: Guiding Schools in Unserved & Underserved Communities

Critical to the long-term success of connecting historically unserved and underserved communities and school districts is ensuring that the technological transition is guided by best practices. Specifically, we recommend the Task Force moves forward in assisting with the dissemination of the best practices shared by CETF on their School2Home initiative, which provides guidance to schools in underserved communities on how successfully to integrate technology into their teaching and learning practices in order to close the Digital Divide and the Achievement Gap. Unfortunately, the COVID-19 pandemic has resulted in the acceleration of this need. It is not enough for communities to get connected if their transition is not guided not just immediately in real-time as the pandemic continues to unfold, but long after as communities seek to rebuild and recover. Imperative to this recommendation is the collection of data among those who are unconnected and interconnected which can be found in the next two sections.

VII. Improve CDE Data: Add “Reliable and Uninterrupted Home Internet Connection” to the [California School Dashboard](#)

The California Department of Education should enhance the data that is collected by LEAs in order to provide information on each household’s status: connected, under-connected or unconnected. Connected meaning the household has a viable connection for distance learning and it is sustainable. Under-connected meaning the household is using a connection that allows the student(s) to join distance learning part-time, either because the household cannot afford the expense all month (perhaps data for a mobile phone) or the connection is unreliable and the household cannot afford a more expensive connection. Unconnected meaning there is no infrastructure for a connection or the household has not subscribed to an ISP. The CDE can help LEAs develop a standard way to ask the question(s) and collect this information through existing surveys. It is possible that this will require amendments to the Local Control Funding Formula (LCFF) statutes. The call for data, in concept, falls under the “basic services” priority under LCFF; however, it is not explicitly included in that priority. Broadband connectivity will remain a critical element in learning moving forward and data relating to household connectivity, or lack thereof, must be collected.

VIII. Improve CPUC Data: Collect and Monitor Data on Which Students Lack Access and Why

Although the State does issue broadband reports⁶, they are not sufficiently specific to those who are not connected and/or under-connected; and, much like ISPs’ reports they focus on access and adoption rates but there simply isn’t enough comprehensive data on obstacles facing existing and potential subscribers. CETF has conducted surveys annually for more than 10 years that show a few of the critical reasons as to why low-income households are not adopting. First, from the 2019 survey, 70% of those who did not have broadband said they did not know about the affordable offers; and secondly, the cost of Internet access and the cost of a device was more than they could afford. The fact that these problems have persisted for years shows that recommendations have not been seriously considered even though there has been, and continues to be, data to support proposed solutions. Additionally, we want to highlight a data challenge that can be seen in communities where redlining has historically existed and infrastructure is lacking. In Watts, California, the Los Angeles Unified School District (LAUSD) received a number of hotspots devices to connect students; however, a lack of 5G infrastructure meant that these devices would provide no utilization. Though the deployment of these devices was well-intended, it once again shows the lack of understanding as to which communities lack infrastructure for internet connectivity. Without an accurate understanding of the kinds of connectivity that are available, there will continue to be unfortunate circumstances where otherwise perfectly good devices are not utilized. We can no longer operate in a data black box and need to have robust monitoring of what kinds of services are available and who is, and is not, connected.

⁶California Interactive Broadband Map, https://www.cpuc.ca.gov/Broadband_Availability/

The CPUC will need to provide LEAs with “user friendly” information on the availability of sufficient infrastructure in their respective attendance area in addition to the information on the level of adoption in these areas. The CPUC needs to add to the broadband map a layer for LEA boundaries so the adoption data is meaningful in a school community and usable from the CDE to the local school level. We would of course advise any and all information collection be for these limited purposes only as to not collect unnecessary data that might infringe upon families’ and students’ privacy. It is vital for individuals to feel safe and comfortable enough to become subscribers and remain connected.

IX. Document Real-World Challenges and Facilitate Real-Time Fixes

Self-reported data from ISPs, LEAs, and other agencies, fail to document what students and their families experienced when schools closed in the final months of the 2019-2020 academic year. And they will fail to capture them in the first months of the 2020-2021 academic year. The State of California must make itself responsible for surveying and documenting students and their families, as well as for facilitating fixes for the challenges revealed by the responses received. Nonprofit community partners and community-specific government entities can help design, administer, and analyze the findings. And these same nonprofits and local offices can help design and implement real-time fixes to real-world challenges, of the kind Lindsay Unified School District and Kings County Office of Education advanced via public-private partnerships to bridge the digital divide if resources are made available, and plans to use them are allowed to proceed. Students who cannot connect to the Internet cannot participate in online learning. Their constitutional right to an education is being denied every single day that they remain offline. Likewise, a student who was able to access the Internet through a “promotional offer” that has since expired, and whose caregiver can no longer afford to maintain home Internet service, is being denied their constitutional right to an education. Cancellation of connectivity-related debt, and the provision of free or low-cost service to students who qualify for free or low-cost meals this year, regardless of whether or not they qualified last year, is as important as connecting homes who have never enjoyed Internet service before. These variables represent data points the statewide survey must document. Results should be reported to and inform the actions of:

- State Superintendent of Public Instruction, and the members of the Digital Divide Task Force
- Governor of California, and the president and members of the California State Board of Education
- President and members of the California School Boards Association, and County Boards of Education
- Speaker of the Assembly, and Assembly Committee on Education, as well as the Committee on Communications and Conveyance
- President pro Tempore of the Senate, and Senate Committee on Education, as well as the Committee on Energy, Utilities, and Communications
- California Public Utilities Commission, and Internet Service Providers in California

X. Conclusion: Implement Immediate and Longer-Term Solutions

Ultimately, connecting *all* students to the internet is a momentous task that will require hundreds of millions of dollars in investment from federal, state, regulatory, and industry leaders. We know we have a long way to go. Presently, an estimated one in four K-12 households in California do not have access to a computer and a high-speed internet connection at home. This represents about 870,000 families whose child or children are likely to fall behind in educational attainment during the COVID-19 crisis.⁷ If we learn nothing else from the global COVID-19 pandemic, let us at least understand and address the importance of internet connectivity as a basic household need, similar to running water and electricity.

⁷ <http://arnicusc.org/publications/mapping-the-distance-learning-gap-in-ca/>

If the recommendations our organizations provide here are acted on, as we strongly urge them to be, we will have made serious progress, but getting everyone connected and with robust data to guide our work are really only the first steps on a longer path to success and inclusion. We must also commit to examining digital literacy and auditing what's happening in households, especially where students have IEPs, are English language learners, are foster/kinship youth, etc. While the recommendations are not a quick and easy fix, we strongly urge this Task Force to take on the hard work of achieving excellence in education through enabling access to a high-speed digital network for every household. We also suggest the DDTF continues to engage with organizations like the CETF and emulate its low-cost adoption strategies. We further recommend the Task Force moves forward with assisting with the dissemination of the best practices shared by CETF on their School2Home initiative, which provides guidance to schools in underserved communities on how successfully to integrate technology into their teaching and learning practices in order to close the Digital Divide and the Achievement Gap. We commend the Task Force for its focus and attention to the real issues that will result in not only in addressing the immediate needs but also seizing this moment to help LEAs leverage these efforts to help all students in California reach academic excellence.

We recognize the Closing the Digital Divide Task Force does not have the authority to fully take on these long-standing issues. However, we have identified a number of actions that are within the scope of the Task Force's stated intent that could be taken this summer and in the near-term future to dramatically improve access to the internet for students and families. We urge the task force to consider them fully and identify immediate-term plans to ensure all California students have adequate access to broadband and to equipment necessary to participate in online education on an equal basis. The undersigned organizations are committed to working in partnership with the Task Force, ISPs, schools, and the communities we live in and serve to see this through.

Sincerely,

AAPI Women Lead
Abriendo Puertas/Opening Doors
ACLU of Southern California
Advancement Project California
After-School All-Stars
All Peoples Community Center
Alliance for a Better Community
Arts for LA
Asian Americans Advancing Justice - Los Angeles
Black Parallel School Board
Boys 2 Gentlemen Leadership Inc.
Brotherhood Crusade
CABE- California Association for Bilingual Education
California Alternative Payment Program Association (CAPPA)
California Association of Black School Educators
California Children's Trust
California Emerging Technology Fund
California League of United Latin American Citizens (LULAC)
California Primary Care Association

Campaign for College Opportunity
Central Valley Higher Education Consortium
Children's Defense Fund - California
Children's Institute
City Year Los Angeles
Coalition for Humane Immigrant Rights - Los Angeles (CHIRLA)
College Match
College Track LA
College Threads
Communities In Schools of Los Angeles (CISLA)
Community Asset Development Re-defining Education (CADRE)
Community Coalition
Ednovate Charter Schools
Education Trust - West
Educators 4 Excellence (E4E) - Los Angeles
EdVoice
Exploring the Arts
Families In Schools
Foster Care Counts
Fulfillment Fund
Generation Earth Program/Tree People

Great Public Schools Now
Heart of Los Angeles (HOLA)
InnerCity Struggle
Innovate Public Schools
LA's BEST Afterschool Enrichment Program
LIFT - Los Angeles
Los Angeles United Methodist Urban Foundation
Los Angeles Urban League
Mar Vista Family Center
MOSTe - Motivating Our Students Through
Experience
NAACP Pomona Valley 1085B
National Education Equity Lab
Our Turn
P.S. ARTS
Para Los Niños
Parent Organization Network
Partnership for Los Angeles Schools
Project Scientist
Promesa Boyle Heights

Public Counsel
PUENTE Learning Center
Pullias Center for Higher Education
School Based Health Alliance
South Los Angeles Transit Empowerment Zone
(SLATE-Z)
Study Smart Tutors Inc.
Teach Plus California
The Center for Educational Innovation
The Center for Powerful Public Schools
The Mission Continues
United Parents and Students
United Ways of California
USC Center for Empowered Learning and
Development with Technology
Watts/Century Latino Org.
West Angeles Church of God in Christ
Woodcraft Rangers
Youth Business Alliance
YWCA Greater Los Angeles