



WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS

Testimony of the Washington Lawyers' Committee for Civil Rights and Urban Affairs for the Public Hearing on B24-0200, the "Internet Equity Amendment Act of 2021" and the Path to Universal High-Speed Internet Service

Thank you, Councilmember Robert White, Councilmember Charles Allen, the other Councilmembers who sponsored the Internet Equity Amendment Act of 2021, and to the entire Committee on Government Operations and Facilities for this opportunity to testify.

I am Kent Withycombe, the Education Project Director for the Washington Lawyers' Committee for Civil Rights and Urban Affairs. The Committee has recognized for many years that equitable access to technology training, devices, and reliable, high speed internet is a critical part of its racial and socioeconomic justice mission. The Internet Equity Amendment Act is an important step towards ensuring that all District residents will have reliable and affordable high-speed Internet.

High speed, reliable and equitable digital access for every DC citizen, wherever they are in the city, is critical for full participation in all aspects of our economy, our democracy, and our civic life. Learning and working online will only grow in coming years, with likely expansions of program coding, artificial intelligence and large data analytics, or graphics, gaming, robotics and virtual reality applications, all of which require access to the Internet.

Yet, in the District, equitable access to the Internet is, like so many other things,, divided along race and income line. Overall, eighteen and a half percent of households in DC still lack high-speed home Internet, but over 40% of households with annual income below \$25,000 lack high-speed home Internet. Wards 7 and 8 have significantly lower percentages of high-speed Internet home adoption compared to other wards (around 60% compared to over 90% for Wards 2 and 3).¹ The digital divide was especially apparently over the last eighteen months, as the COVID-19 pandemic meant that jobs, education, and social interactions were happening virtually whenever possible.

Although the digital divide impacts almost every aspect of an individual's life, the Washington Lawyers' Committee's work has been focused on addressing its impact on education. Students of color, students in poverty and students with disabilities are disproportionately impacted by the lack of reliable internet.² Twenty-four percent of children

¹ Digital Equity in DC. <https://www.digitalequitydced.com/about> (last visited Oct. 20, 2021).

² See, e.g., National Education Association, Digital Equity for Students and Educators, September 2020, https://www.nea.org/sites/default/files/2020-10/NEA%20Report%20-%20Digital%20Equity%20for%20Students%20and%20Educators_0.pdf ;

in DC lacked access to broadband Internet, and this share was higher in Wards 7 and 8, where 37 percent of children lacked access.³ Importantly, 5,122 students experienced homelessness, continuing into the 2020-2021 school year, which complicated distance learning, as these students were less likely to have reliable access to the Internet.⁴ Over the past eighteen months, this has meant a students who are unable to participate in live classes, cannot download and stream instructional videos, and who miss opportunities to engage in their education. Going forward, students without access to reliable, efficient Internet will be excluded from virtual learning during quarantine periods, miss out on valuable extra-curricular activities and accelerated learning programs, and fall further behind.

Urgent action is needed to address the digital divide, and the Committee applauds the Council for this this legislation that recognizes the District's responsibility to ensure that access for all citizens at every location is the same as their responsibility to provide basic services such as clean water and effective sanitation. Reliable, high speed internet access for all has become a necessity, not a luxury.

We offer the following suggestion to strengthen and improve the legislation: the Digital Equity Division must take into account in its published rules both the breadth of activities that District residents engage in and the varied locations throughout the city where District residents may need to access high-quality Internet.

I. The Bill Should Clarify the Range of Education, Employment, and Civic Services that Must Be Supported by Minimum Broadband Capacity

New Section 1817(b) requires that the new Digital Equity Division publish rules “defining recommended minimum upload and download speeds necessary for District residents to work from home and engage in distance learning in grades pre-kindergarten through 12 (‘recommended connection speed’).” While sufficient broadband speeds for preK-12 students and for those working from home clearly are major issues, by focusing on those areas alone, the legislation inadvertently minimizes all of the other reasons residents need sufficient broadband speed. For example, reliable and efficient broadband speeds are needed by s students of all ages attending universities, community college, technical

K-12 Dive, *Decoding the Divide: The struggle to make 21st century learning equitable for all students*, May 25, 2021, <https://www.k12dive.com/news/decoding-the-divide-the-struggle-to-make-21st-century-learning-equitable-f/600717/>

³ DC Policy Center, *State of the DC Schools 2019-2020* at 16; see also U.S. Census Bureau, *American Community Survey Public Use Microdata, 2014-2018*, available at <https://www.census.gov/programs-surveys/acs/microdata.html>

⁴ DC Policy Center, *State of the DC Schools 2019-2020* at 7; Office of the State Superintendent for Education 2020, “FY19 Performance Oversight Questions” available at <https://osse.dc.gov/page/fy19-performance-oversight-questions>.

training, or accessing education resources; by citizens accessing government and nonprofit services related to affordable housing, job searches, training and applications, and telehealth; or citizens of all ages accessing the arts and museums, and other recreation. These examples often require adequate live or asynchronous video streaming capabilities or access to large datasets.

To ensure that the Digital Equity Division take the wide range of internet activities necessary for District residents to fully participate in society virtually, we recommend that the Council revise lines 70-71 in the proposed bill to read “recommended minimum upload and download speeds necessary for **all** District residents, **including, but not limited to, those working** from home and **those engaging** in distance learning.”

II. The Bill Should Support Public Internet that is Strong, Fast, and Accessible

The Digital Equity Division must also ensure that public Internet is strong, fast, and accessible throughout the District. Because adequate access and sufficient broadband speeds are important as District residents move around town and not just while they may be at home, in schools or public libraries, the Bill should direct the Digital Equity Division to ensure that public wifi is adequate and accessible in all parts of the city. For example, Wards 7 and 8 not only have had significantly lower rates of in-home broadband access, but also historically also have been “wifi deserts,” as far fewer wifi access points with sufficient range have been located in those Wards when compared to other Wards in the city.⁵ By making this change, the legislation will help ensure that all District residents, including those who are housing insecure or in temporary shelters; in hospitals or assisted living facilities; using public libraries or recreation centers; or in jail, the Youth Services Center, a halfway house or other restrictive setting, are able to actively participate in virtual services.

The Committee also is encouraged that this Bill allows the Digital Equity Division to explore a municipal broadband option that could significantly reduce the cost of high-speed internet access for District residents. Moreover, a municipal option may motivate other internet service providers to increase their internet speed offerings and lower their prices to compete.

A high-speed municipal option is especially important when it comes to public education. The lack of reliable internet impacts on student learning and implicates DCPS’ and charter school budgets. More than 30% of parents who completed the Digital Equity in DC Education technology survey said their students often experience Internet connectivity issues such as slow-downs and disconnections. Students require higher Internet download/upload speeds for

⁵ Greater DC Urban Institute, *New Data Reveal Digital Divides Across DC Neighborhoods*, <https://greaterdc.urban.org/blog/new-data-reveal-digital-divides-across-dc-neighborhoods>; *The Deepening Digital Divide*, the Hill Rag, Sept. 2, 2020, <https://www.hillrag.com/2020/09/02/the-deepening-digital-divide/>; DC Policy Center, *Rebooting Distance Learning*, <https://www.dcpolicycenter.org/publications/rebooting-distance-learning/>

online learning, which requires videoconferencing and other bandwidth-heavy applications. Current low-cost Internet options provide speeds that are not sufficient for multiple Internet users in a household. The lack of high-quality Internet access throughout the city forces DCPS and charter schools to continue spending significant funding on monthly data plans for hotspots and LTE-enabled devices.

III. Conclusion

In sum, the Washington Lawyers' Committee supports the Internet Equity Amendment Act and encourages the Council to strengthen the mandate of the Office of Chief Technology's Digital Equity Division of OCTO to on achieve affordable, high-speed Internet access at schools and in homes, excellent public wifi in every Ward, and devices and technology training so that District residents have what they need to access the Internet and fully participate in our economy, our democracy, and our society.

While the focus of the Internet Equity Amendment Act is on ensuring universal high speed internet access, getting high-speed Internet into all households and strengthening public wi-fi access in all Wards, this is just one part of the digital equity equation. We also urge the Council to support legislation and other actions that ensure that District residents have adequate devices to connect to the internet, and the training to use them well.