National Coalition for Literacy

4 February 2022

Evelyn Remaley Hasch
Acting Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Re: Infrastructure Investment and Jobs Act Implementation
Docket No. 220105–0002   NTIA-2021-0002

Dear Ms. Remaley Hasch,

The National Coalition for Literacy (NCL) appreciates the opportunity to provide comments to the National Telecommunications and Information Administration in response to NTIA's request for input to inform design and implementation of the Bipartisan Infrastructure Law. NCL is an alliance of the leading national and regional organizations dedicated to advancing adult education, family literacy, and English language acquisition in the United States. By serving as an authoritative resource on national adult education issues, NCL increases public awareness of the value of programs that provide education in these areas and promotes effective public policy. NCL envisions a nation in which all adults are able to fulfill their potential and meet their goals through access to high quality adult education and literacy services provided by an integrated and well-developed system. Implementation of the Bipartisan Infrastructure Law, particularly the Digital Equity Act of 2021, will contribute in key ways to the nation's ability to achieve that vision and thus will be of central concern to NCL.

NCL commends NTIA for the robust set of questions included in this public comment opportunity. The responses provided below focus primarily on the questions set forth in the General Questions and Implementation of the Digital Equity Act of 2021 sections.

Section I. General Questions

Question 1. Ensuring that programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion

As a basic tenet of its approach, NTIA should include the adult education community, including both adult learners and the organizations that serve them, at every level of planning and implementation, and should promote similar inclusion by states and subgrantees. Adult education programs provide workforce development and education services to many of the covered populations specified in the Bipartisan Infrastructure Law. In fact, 74 percent of adult learners are people of color, 63 percent are English language learners, 7 percent are single parents, 6 percent are justice-involved, and 1 percent are experiencing homelessness. During the two-plus years of the pandemic, technology has enabled adult education programs to continue serving their adult learner clients, but digital access inequities have impeded participation for many. To ensure that the needs and goals of all covered populations are met, adult learners and providers of adult education programs should be involved in every aspect of planning. See further comments in response to Question 2 below.

Question 2. Ensuring inclusion of all stakeholders, voices, and perspectives

Given the well-documented disproportionate impact of digital exclusion on the marginalized communities whose members make up a large proportion of the adult learner population, NTIA should make special efforts to obtain input from these directly affected individuals and stakeholder groups. To do this, NTIA should continue to hold regular listening sessions to obtain input from both adult learners and the stakeholder organizations that serve them.

To the greatest extent possible, NTIA should announce specific topics for these sessions at least a month in advance so that stakeholders have time to share information about the opportunity broadly throughout their networks. Some sessions should focus specifically on the digital equity issues facing each group of people who fall under the law's definition of "covered populations." In those cases, NTIA should make special effort to connect with stakeholder groups that represent those populations, including adult education organizations such as ProLiteracy, the Coalition for Adult Basic Education, and the National Coalition for Literacy, as well as associated organizations such as RespectAbility, the Association of Rural and Small Libraries, the National Urban League, UnidosUS, Asian Americans Advancing Justice, the National Partnership for New Americans, and many others.

NTIA should also hold listening sessions in languages other than English. Consistent with the approach of other federal agencies, sessions should have live interpretation (consecutive interpretation if they are virtual, and simultaneous interpretation with appropriate technology if they are in-person) and should have a bilingual operator/moderator. At a minimum these sessions should be held in the several of the most frequently spoken languages in the United States, which include Spanish, French, Korean, Tagalog, Arabic, Vietnamese, and Mandarin.

In addition to listening sessions, NTIA should pursue other formal and informal mechanisms for gathering stakeholder input, such as having NTIA staff attend key conferences or meetings at

which they can hear directly from the field, and/or conducting short "pulse surveys" of stakeholders.

Question 3. Ensuring transparency and public accountability through data collection to assess program impact, promote accountability, and coordination with other federal and state programs

NTIA should seek to strike a balance so that it collects sufficient data to inform and improve implementation of the law, while not overburdening states and other stakeholders with intrusive requirements.

Crucially, NTIA should make aggregate information publicly available as rapidly as possible (quarterly or semi-annually if possible, annually if not), to aid digital equity advocates, policymakers, and members of the press in understanding the impact of the law in real time. NTIA can do this by creating an online repository of state reports or a data dashboard showing key indicators. Designing a standardized reporting format will make it easier for states to report and easier for stakeholders to interpret data. NTIA can look to the Department of Labor's WIOA Participant Individual Record Layout (PIRL) as one example, though the PIRL is *far* more complicated than anything that NTIA should require.

To the greatest extent practical, data should be broken down by category to allow for easy cross-tabulation by geographic area served, demographics of people served (by covered population category), and type of service provided. A key data point will be the degree of uptake (that is, adoption and use, rather than simple availability) of technology capacity by members of the different covered populations.

Question 5. Making technical assistance available

NTIA should offer technical assistance in a variety of formats to ensure access for the widest possible range of stakeholders, including interested members of covered populations. These should include virtual and in-person convenings with technical experts and peer leaders from the state and local level; synchronous and asynchronous online conversations; template or exemplar documents; policy memoranda and toolkits highlighting promising practices; and dissemination of data relevant to digital equity planning processes.

The content of NTIA's technical assistance should be informed on an ongoing basis by the current and emerging needs of adult education providers and other stakeholders. In order to achieve this goal, NTIA should use informal, low-cost ways to gather regular quarterly input from stakeholders about the areas of greatest interest.

NTIA's technical assistance should also help stakeholders take advantage of complementary resources available through other federal agencies, such as Department of Education resources

on digital literacy instruction and assessment and Department of Labor resources on digital literacy skill needs and training opportunities. NTIA should model cross-agency collaboration by holding joint informational webinars and/or issuing joint policy guidance with these and other federal agencies as appropriate.

NTIA's technical assistance should be broadly available not just to state agencies that are direct recipients of NTIA funds, but also to sub-grantees and community stakeholders who are engaged in some aspect of digital equity work. To ensure widespread awareness of technical assistance opportunities, NTIA should share announcements via proven modes of dissemination, through partners such as state workforce boards, state adult education agencies, and state broadband offices.

Question 7. Ensuring that all potential subrecipients are able to partner and compete

NTIA's guidance to states should include a robust and expansive definition of provider types that clearly includes adult education organizations, public libraries, immigrant-serving organizations, and other organizations with track records of success in serving covered populations. Naming these provider types explicitly is essential to ensure that states are not overly cautious or narrow in their interpretation of which provider types are eligible to be subgrantees or partners.

In addition, NTIA's guidance should encourage states to use a broad variety of announcement tools to disseminate information about funding application opportunities. For example, NTIA could distribute Requests for Proposals through state adult education agencies and local providers; state library systems and local libraries; and state workforce development boards and local boards and providers.

Question 11. Using federal policy tools to ensure that funding supports creation of and access to well-paying jobs

Through its implementation of the Bipartisan Infrastructure Law, NTIA has the capacity to develop and promote broadband workforce initiatives that will provide opportunities for entry into and growth in meaningful, well-paying jobs for all workers. To accomplish this goal, NTIA should create funding preferences for projects that include explicit commitments to hiring and training workers whose educational attainment ended before graduation from high school, a disproportionate percentage of whom are workers of color. NTIA should emphasize that allowable types of workforce training include adult education programs that give adult learners the literacy, numeracy, and digital problem-solving skills required for effective participation in skills training, as well as approaches proven to improve underrepresented workers' access to good jobs, such as Integrated Education and Training models, bridge programs, and vocational/technical English that combines language learning with digital literacy skills.

In addition, NTIA should ensure that broadband infrastructure spending on workforce explicitly allows for supportive service funds. These provide training participants with time-limited financial assistance to ensure that unexpected expenses, such as childcare or transportation emergencies, do not prevent qualified workers from continuing in their training. Both the U.S. Economic Development Administration's Good Jobs Challenge and the Department of Transportation's RAISE discretionary grant program provide models for federal investment in workforce training that includes wraparound services.

Section II. BEAD Program

Questions 19 and 20. Ensuring that state plans demonstrate strong involvement of local communities and local perspectives, and ensuring inclusion of state agencies and stakeholder groups in the formulation of state broadband plans

With support from State Directors of Adult Education, regional and local adult education service providers have been deeply engaged since the start of the pandemic in developing innovative technology-based ways for adult learners to continue their education through distance learning. These stakeholders bring critical insights into the availability of and access to technology infrastructure in underserved and unserved communities, as well as the ways that adult learners and their peers use (and do not use) technology; for example, participating in instruction using a cell phone rather than a laptop or desktop computer, or sharing one family phone with children who must use that phone to do their homework. Other organizations that represent and serve members of the covered population groups have similar insights to contribute. In addition, these stakeholders occupy positions of trust in the communities they serve, and thus are able to bring the voices of community members to the development of state plans that will meet the real needs of localities and the people who live in them.

To ensure that local communities and local perspectives are included in meaningful ways in state plans, NTIA can promote (or require) the inclusion of partnership structures that elicit ongoing, substantive contributions from a variety of local stakeholders at every stage, from planning to evaluation and revision. State plans should include specifics on when and how community stakeholders will participate and contribute, with particular attention to their roles at the planning and evaluation stages.

Section III. Implementation of the Digital Equity Act of 2021

Question 25. Requirements for states in using Digital Equity Planning Grants and building Digital Equity Plans

NTIA should use guiding questions to encourage states to develop Digital Equity Plans that reflect the *intent* of the Bipartisan Infrastructure Law, not merely its requirements. Such questions could include:

- How is the state planning to align other major investments to support digital equity goals? For example, using National Reporting System data to inform utilization and outcomes of distance learning, or state TANF or SNAP program data to identify and respond to digital equity needs among low-income individuals.
- How has the state capitalized on the digital literacy work already underway, such as activities funded through Workforce Innovation and Opportunity Act (WIOA) Title II adult education, to inform its digital equity planning?
- How has the state connected with its public library system to identify current digital access and learning activities as well as capacity and interest for carrying out digital equity activities?

Question 26. Providing technical assistance, data, and programmatic requirements to states

To discourage the common problem of states spending time, energy, and money on identifying problems rather than finding solutions, NTIA can guide states by explicitly identifying the data sources to be used in establishing need within the planning template.

To encourage states to build on existing resources, NTIA can also use the planning template to require WIOA state plan and Perkins state plan partners to bring their strategic and operational plans to the table to build upon.

In addition, NTIA should establish a clearinghouse on its website with links to available public datasets and other useful data resources relevant to states' digital equity planning processes. This should include the Census Bureau's American Community Survey, the Internet and Computer Use Survey, the National Digital Inclusion Alliance's State Digital Equity Scorecard, and examples of state and local digital equity data surveys (such as Hawaii and Philadelphia). The clearinghouse should be regularly updated to include policy guidance, template documents, case studies of promising practices, and research/studies that can inform and improve states' digital equity work.

Finally, NTIA can bring state and local leaders in digital skill building together for a working group to develop objective measures of digital skill gain. Early adopters such as Maryland and Texas could offer expertise and technical assistance to other states and communities. National efforts such as those by Digital US to align digital skill definitions and objectives across states or regions should be supported as well for optimized impact, given that employers, workers, and training providers work and move across state lines.

Question 27. Ensuring that BEAD program plans and State Digital Equity Plans are complementary, sequenced, and integrated appropriately

NTIA should consider strategies for encouraging states to align their BEAD programming with the digital equity goals and activities laid out in their Digital Equity Plans. In particular, because some states may not need to spend all of their BEAD program dollars on broadband per se, aligning BEAD with Digital Equity Plans will help states identify opportunities for innovation in using BEAD funds to advance digital equity goals, especially digital skill-building. NTIA should foster such innovation and should seek out input from states and other stakeholders about specific mechanisms for doing so as the implementation of both programs moves forward. In particular, guidance for both programs should specifically note that BEAD resources can be used to support DEA state plan strategies for increasing equitable access and adoption of digital resources, through digital skill building and digital navigation services for covered populations through community anchor institutions.

Question 28. Ensuring that State Digital Equity Plans intersect with other state goals, plans, and outcomes

NTIA should explicitly design questions for states to describe how their Digital Equity Plan is coordinated and aligned with state-approved plans in related areas, such as the Workforce Innovation and Opportunity Act (WIOA) State Plan, SNAP Employment & Training State Plan, and the Strengthening Career and Technical Education for the Twenty-First Century Act (Perkins V) State Plan. Representatives of these systems need to bring existing plans to the DEA planning table and also identify operational elements currently in place to support digital equity, digital inclusion, and digital resilience in covered populations. The State DEA planning template should ask states to detail existing successful strategies for continued investment as well as envisioning new partnerships and new initiatives.

NTIA should consider borrowing some of the language used in WIOA state planning guidance (TEGL 04-21 & ETA ICR) to encourage states to describe how their Digital Equity Plans will advance equity for covered populations.

For example, NTIA could ask states to
- *Please describe coordination, collaboration, and alignment efforts between the Digital Equity Plan and the state's Unified or Combined WIOA and Perkins V state plans, to address the following goals related to: (i) Economic and workforce development; (ii) education; (iii) health; (iv) civic and social engagement; (v) climate and critical infrastructure resiliency; and (vi) delivery of other essential services, especially with respect to covered populations described in Bipartisan Infrastructure Law § 60303(2)(C)*
- *Please describe how the state's digital equity plan will align and support sector strategy and advancement for historically underserved communities described in the Bipartisan Infrastructure Law § 60303(2)(C)*

As practical, NTIA should also consider inviting other federal stakeholders, such as the Employment and Training Administration, the Office of Career, Technical and Adult Education, and the Rehabilitation Services Administration, to participate in plan reviews and approvals, to ensure coordination and alignment across the system.

Question 29. Inclusion of measurable objectives for documenting the online accessibility and inclusivity of public resources and services.

NTIA's overarching goal should be to encourage the use of measurable goals and objectives as a tool to accomplish greater equity, not as an end in themselves. Given the rapidity with which the digital equity field is evolving, NTIA should refrain from endorsing or promoting any single assessment or measurement tool. Instead, NTIA should foster an atmosphere of flexible experimentation and rigorous creativity among states and other stakeholders.

- NTIA should encourage states to adopt objectives that are qualitative as well as quantitative. Extensive research has shown that people care deeply about the kinds of life improvements and expanded opportunities that can be best measured through qualitative data – and this is just as true in the field of digital equity as any other. To help states and other stakeholders determine the most useful way to gather such data, NTIA should consider commissioning a brief from and/or hosting as guest speakers one or more experts in qualitative research who have experience in the digital equity field.
- NTIA should also encourage states to adopt documentation procedures that involve the recipients of public resources and services as researchers. Engaging members of covered populations as active researchers, rather than merely as "study subjects," provides a robust picture that extends beyond the "what" of outcomes to illuminate the "why"— particularly "what works for whom and why." Such information will be pivotal to understanding outcomes and evaluating options for continuation and revision of state plans.

Most importantly, states should be encouraged to balance the need for high-quality and meaningful data with the least burdensome and intrusive standard for data collection. This is consistent with the recent Presidential Executive Order (EO) 14058: *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.* This EO emphasizes the urgent need to reduce the "time tax" paid by members of the public to obtain publicly funded services.

For example, NTIA should encourage states to use proxy measures (such as whether a person resides in a high-poverty zip code or receives SNAP benefits), rather than attempting to assess eligibility on a case-by-case basis (such as by asking digital literacy program participants to individually confirm their income eligibility). This issue is especially urgent given the difficult circumstances faced by many of the Act's covered populations. People with limited English or

literacy skills, those with very low incomes, and those who are incarcerated or recently returned from incarceration are disproportionately likely to lack government-issued identification. No data collection requirement should further burden already-marginalized groups with additional barriers to obtaining services. Similarly, NTIA should follow best practices used in the public health and education fields to ensure that individuals born outside the United States are *not* required to demonstrate a specific immigration status in order to participate in digital equity programs or services. This flexibility in practice has already been adopted for the Emergency Broadband Benefit by major Internet Service Providers.

Question 30. Ensuring that states consult with all historically marginalized and disadvantaged groups

NTIA should take all possible steps to ensure that states use their obligation to consult with historically marginalized populations as a meaningful tool to inform and shape their implementation of the Digital Equity Act, rather than a mere compliance requirement. To that end, NTIA should use the tools at its disposal to promote proactive outreach to and involvement of these populations throughout the State Digital Equity Plan process.

- Planning, development, implementation: Engagement and true collaboration with covered populations must begin at the beginning of planning, not solely in a mandated comment period long after a plan is written. NTIA should provide specific and detailed guidance to states, through a Notice of Funding Opportunity or policy memorandum as well as the planning template, about the variety of approaches that can satisfy this requirement. This guidance should illustrate a broad array of options regarding format (listening sessions, informal consultations, surveys), technology-enhanced outreach and engagement strategies (including social media), and best practices regarding eliciting and utilizing stakeholder feedback.
- Monitoring and evaluation: NTIA should require states to report on how they have tackled this consultation challenge by including questions about it in State Digital Equity planning documents and NOFOs.

In addition, NTIA should model at the federal level the same process of using input from historically marginalized communities that is desired at the state level. In addition to gathering direct input from the field as described throughout this document, NTIA should proactively seek out relevant existing literature written by people and organizations representing historically marginalized communities and should make every effort to institutionalize the lessons learned from these efforts as part of digital equity program design and implementation.

Question 31. Ensuring coordination with local governments and other political subdivisions in developing State Digital Equity Plans

Each state's plan must articulate a vision for digital equity that is shared with local and regional government offices and leaders as well as state-level entities. NTIA can promote such coordination by specifying that the role of the governor-appointed administering entity is to bring all identified stakeholders, including local and regional government offices, into the planning process. NTIA should provide guidance that directs each state's DEA administering entity to include all of the state agencies that currently serve the covered populations and to reach out through them to local and regional partners.

- Include the State Director of Adult Education, local Workforce Development Boards, other WIOA core and required partners, and Perkins V Career and Technical Education partners
- Include the state Office of New Americans, where it exists
- Include TANF, SNAP E&T, HUD E&T, TRIO, and EOC

NTIA can direct states to use a checklist or similar tool to approach this process in a standardized way. NTIA can support this process by developing such a checklist and by asking questions in its State Digital Equity Planning guidance to prompt states to follow it. For example, the checklist should direct state leaders to connect with multiple representatives of each local jurisdiction (ideally representing education, workforce, and technology agencies); determine whether existing local digital equity activities or plans can inform the state plan; and seek input from local leaders about the state plan.

The NTIA planning template can also encourage states to build on existing mechanisms to engage with local and regional political entities, rather than develop new ones. For example, WIOA and Perkins state plans have developed infrastructure for including local governments and other political subdivisions in statewide planning.

Thank you in advance for your thoughtful consideration of these comments and for your action in response to the points we have presented.

Sincerely,

Deborah Kennedy

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