Dear Internet Service Providers:

Thank you to those of you who took the Keep Americans Connected Pledge. While the pledge is a helpful first step, I am writing in my capacity as President & Director-Counsel of the NAACP Legal Defense and Educational Fund (“LDF”) to urge you to take further action to address digital inequity at this critical moment in our country, which, in the era of remote learning, is a particularly pressing racial justice issue. In the wake of the COVID-19 pandemic and subsequent school closures, the disparate impact of the preexisting digital divide—the gulf between those who have ready access to computers and the internet, and those who do not—has become an urgent and critical issue of racial inequity that, if unaddressed, will have a devastating effect on the educational opportunities afforded to Black, Latinx, Asian American, Pacific Islander, Native

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1 We write to the ten largest internet providers in the United States, the five largest providers in each state in the Southeast and the five largest in each state or district where a city with a large Black population is located.
American, and Alaskan Native students living in low-income families, particularly those in rural communities.²

We are deeply familiar with the challenges facing these children and their families. For over 60 years, LDF has represented Black children and their parents in the rural south and in scores of cases seeking integrated, quality education as promised by the Supreme Court’s decision in *Brown v. Board of Education*. We intensified that work this past spring, fighting for meaningful education access for our clients in the aftermath of COVID-19 school closures. “Remote learning” for students who lack access to broadband or computers often meant weeks without real instruction or new material. For some, it meant no education at all.

Many of you have recently spoken out against racism and inequality and made internal and external commitments to supporting work to advance racial justice.³ While these pledges and symbolic steps are important, I am calling on you to take clear and decisive action to support educational access for hundreds of thousands of children—disproportionately Black children and other children of color, who were unable to participate in their school curriculum this past spring because their parents could not afford access to your internet and data services or the technology to use them.

The COVID-19 pandemic continues, and as of the date of this letter, many school districts have determined that they must offer at least some form of distance learning for the indefinite future, while others will keep their doors closed completely, requiring all students to learn remotely. This novel virus may be with us for years to come, resulting in episodic school closures and continued reliance on remote instruction. Access to online learning, therefore, remains one of the most pressing civil rights needs for students and families of color right now.

Yet 16.9 million students and 8.4 million households in the United States still lack internet access at home, and 3.6 million households lack a computer, according to an Alliance for Excellent Education report released this month. Those students and families are overwhelmingly people of color, and the disparities are staggering. Of the households with no access, 34% are Native American or Alaska Native, who are 2% of the U.S. population; 31% are Black, who are 13% of the population; 12% are Asian American, who are 6% of the population; and 31% are Latinx, who

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are 19% of the population. By contrast, just 21% of white households lack access to the internet, though they comprise more than 76% of the U.S. population overall. Families who are low-income or who live in rural communities are even less likely to have access: 77% of families with no internet make less than $50,000 per year and 36% live in rural areas, compared to 21% in metropolitan locations. In the 11 states in the Southeast combined, over one-third of children do not have access to the internet at home.

LDF urges you to act on your professed commitments to racial equity by expanding your coverage areas and providing free internet and technology access to low-income and communities of color throughout the course of this pandemic. Though connectivity barriers differ across the country, the communities served by each of your companies are in need. You are best positioned to address digital inequity in the communities you serve and whose members you employ.

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5 Id.


7 See FUTURE READY SCHOOLS supra note 4.

8 Chandra, Sumit, et al., Closing the Closing the K–12 Digital Divide in the Age of Distance Learning: Common Sense Kids Action, COMMON SENSE MEDIA (Jun. 29, 2020).
For example, in Atlanta, where Cox Communications is headquartered, the public school system [still needs to raise over $1 million] to purchase devices for students who need them. Although Cox provides [affordable home internet] for families with school-age children, an estimated [20% of students] in Cobb, DeKalb, Fulton, and Gwinnett Counties and Atlanta Public Schools—the largest school districts in Georgia—never logged into online learning this year due to lack of access, suggesting reduced rates are still cost prohibitive for families struggling to stay housed and fed. Because Georgia recently proposed a [$1 billion cut] to its public education budget, school districts are in an even worse position to help students get connected.

In March, the Dallas Independent School District (“Dallas ISD”), where AT&T is headquartered, spent $2.5 million on 12,000 WiFi hotspots, though an estimated 18,000 students did not have access to the internet. Dallas County issued a citywide mandate barring in-person classes for at least the beginning of the fall, yet impending drastic state budget cuts hurt Dallas ISD’s ability to provide the technology resources necessary for students to participate in school.

“Unplugged” communities—those where your companies do not offer coverage—face further challenges. Because transportation can be a luxury, many parents do not have the means to drive their children to Wi-Fi hotspots. For example, most of the historically Black neighborhood of Four Corners, Louisiana is not within the coverage area of any internet service provider, although Cox Communications covers 87.9% of the City of Franklin. As a result, families are not only shut out of the online enrichment offered by their schools, they are also unable to digitally access essential government services, like applications for school meal delivery or the Electronic Benefits Transfer Program (EBT).

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9 Marlon A. Walker, Some Metro Atlanta Students Locked out of Virtual Classrooms, ATLANTA J. CONST. (Apr. 24, 2020), https://www.ajc.com/news/local-education/some-metro-atlanta-students-locked-out-virtual-classrooms/dWLTDjKvUJYe09sF5gjK/ (“100,000 pupils—representing 1-in-5 students from the region’s largest districts, including Cobb, DeKalb, Fulton, Gwinnett counties and Atlanta Public Schools—have likely never logged into school online learning systems because of connectivity issues and inequity of access to the electronic devices, officials from several major school districts say.”).


13 See FCC, Number of Residential Fixed Broadband Providers at 25 Mbps/3 Mbps; 2016 Broadband Progress Report, https://www.fcc.gov/reports-research/maps/bpr-2016-fixed-25mbps-3mbps-providers/14/29.7960/-91.5015/ (displaying map of Franklin, La.).
In Mississippi, where Spectrum, owned by Charter Communications, is the largest internet provider, only 61% of households have access to broadband. Even among internet users, around 20% cannot access internet faster than 100 megabytes per second.14 Most school districts in Mississippi, which spends fewer dollars per student than any other state in the nation, are unable to provide students with devices or help them get access to broadband.

Before the pandemic, 76% of households in the rural South reported owning at least one computer, but in households with multiple school-age children and adults working from home, one computer is not enough. Across the country, cash-strapped school districts, particularly in rural communities, are unable to offer any devices or internet access to their students.

Furthermore, we are concerned about the affordability of your services to current customers in the coming months.15 In April 2020, 54% of Latinx broadband users and 36% of Black broadband users reported worrying about the ability to pay their bills over the next few months, compared with only 21% of white broadband users.16 As government-imposed moratoriums on evictions, foreclosures, and utility shutoffs begin to expire, families will soon face more monthly bills. And as federal unemployment benefits end, those already facing economic hardship related to the pandemic will be unable to pay them all. Households will be forced to prioritize necessities, such as running water and shelter. Children should not be cut off from distance learning because their parents cannot afford an internet bill.

Unfortunately, we cannot rely solely on federal, state, and local governments to fill this need. While some school districts have distributed devices to their students or encouraged local businesses to open hotspots, these measures are not nearly enough. Even where school districts are able to provide some devices and internet connections, they have themselves acknowledged that their measures are not adequate. For example, in Philadelphia, where Comcast is headquartered, almost 40% of public school students did not attend online schooling each day. While LDF commends Comcast for donating $5 million dollars to help the Philadelphia School District purchase Chromebooks and offering free internet access for 60 days for new users, these efforts

14 Sid Salter, School closings amid coronavirus expose Mississippi’s rural broadband deficiencies, Clarion Ledger (May 6, 2020), https://www.clarionledger.com/story/opinion/columnists/2020/05/06/coronavirus-school-closings-mississippi-rural-broadband-deficiencies-sid-salter/3072729001/ (“Around 80 percent of Mississippians have access to internet speeds of 100 megabytes per second, a speed would allow a user to perform more activities.”).


do not sufficiently meet all students’ needs for full access to the distance learning offered by their schools.

In light of these pressing concerns, and given your vocal commitments to digital equity, we call on you to take the following actions:

- Offer free internet to households with school-age children for the 2020-2021 school year and ensure that the service provided is strong enough to support multiple family members streaming classes at the same time.
- Expand internet coverage to “unplugged” areas and invest in necessary infrastructure.
- Provide free wireless hot spot areas that reach beyond building walls where students can safely use devices, particularly in “unplugged” and low-income communities and neighborhoods and through partnerships with faith-based and other community centers accessible to families in the rural South.
- Forgive any customer arrears that prevent families with school-age children from accessing the internet.
- Provide devices with cellular service to students in areas with cell phone service where internet is impracticable.
- Advertise access to these services widely and aggressively, through flyers and U.S. mail for families with no phones, at school pick up sites, and through phone calls and emails, and ensure that materials are translated and accessible for non-English speakers and people with disabilities.
- Work with school districts to provide free academic content through cable television.

Thank you again for your recognition of the important role that internet providers can play in addressing structural inequality in America. If you would like to discuss this matter further with our office, please contact Cara McClellan at cmcclellan@naacpldf.org. We look forward to seeing how you can seize this moment to act on your commitments, to address racial injustice in our county, and to help our nation’s schoolchildren access the public education to which they are entitled.

Sincerely,

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