

## Advisory Memorandum

**To:** U.S. Commission on Civil Rights  
**From:** Maine State Advisory Committee to the U.S. Commission on Civil Rights  
**Date:** June 7, 2021  
**Subject:** Advisory Memorandum on Digital Equity in Maine

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The Maine State Advisory Committee to the United States Commission on Civil Rights (Committee) submits this advisory memorandum on digital equity in Maine. As the Advisory Committee’s appointment term began, the nation faced the challenges of the COVID-19 pandemic, which shut down businesses and forced schools to go online. One of the biggest challenges facing Maine and the nation was access to technology – equipment and broadband. This access to technology is often called digital equity and the pandemic revealed the civil rights implications of the inequities in digital access in Maine.

The Maine State Advisory Committee (SAC or Committee) held five virtual briefings on digital equity in Maine. The issue is a case of first impression for the Commission and its SACs. However, the recent influx of federal stimulus funding has provided relief to the state and stands to improve these shortfalls, and Maine is quickly devising its plans to use the funds to target the deficiencies most efficiently. While the Committee is preparing a more in-depth report with a detailed examination of digital equity, it is sharing its findings and recommendations with the Commission in the hope that the state will address the civil rights issues identified by the speakers during the briefings.

### **Introduction:**

Digital equity is defined as “a condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy.”<sup>1</sup> To achieve digital equity, all individuals and communities must have access to reliable broadband, adequate computing devices, digital literacy training, and adequate funding to attain full civic and cultural participation, employment, lifelong learning, and access to essential services.<sup>2</sup>

The consequences of long-standing digital inequity became glaringly apparent throughout the COVID-19 pandemic beginning in 2020: it exacerbated limited access to resources that are necessary for education, civic and cultural participation, employment, lifelong learning, and access to essential services such as telemedicine, particularly for Maine’s rural, communities of

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<sup>1</sup> Susan Corbett, Director of the National Digital Equity Center, Briefing of the Maine Advisory Committee to the U.S. Commission on Civil Rights, July 16, 2020, *Briefing Transcript*, p. 3.

<sup>2</sup> *Ibid.*

color, immigrant communities, older adults, individuals with disabilities, and lower income individuals and families.<sup>3</sup> Most significantly, digital inequity has led to inequitable educational experiences both in Maine and nationally, and the pandemic brought them into sharp focus.<sup>4</sup>

These inequities warrant a deeper examination by Maine state and local governments and the federal government. The Committee encourages a state-federal partnership to work with underserved communities to ensure programs and policies reflect their experiences, needs, and support their long-term goals.

The Committee will report on this issue in depth in an upcoming report. As noted, after federal stimulus funding and grants were made to the state to remedy digital equity, the SAC determined that its findings and recommendations needed to be immediately shared with the Commission.

## Findings and Recommendations

- 1. Finding: There is a significant lack of training available in Maine to promote digital literacy, making widespread training essential. Digital Literacy assessment and skills training play a critical role in technology and workforce skills development that increase employability of program participants, improve job-seeking skills, and create a more highly skilled, job-ready workforce across Maine.**

*The committee recommends the state legislature and state agencies:*

- a. Allocate Federal and state funding to provide professional learning for educators to close the digital divide in education and implement digital skills education at a regional and local level.
- b. Train teachers at all levels on the devices used at school and have familiarity with devices used by students at home, including knowledge about updating of software programs and devices.
- c. Work toward accessibility and consistency of software in schools when offering lessons, offer digital literacy training to students and parents, and create interactive online learning modules for Maine schools.
- d. Provide training through AARP Maine and the state's agencies on aging for older adults to enable increased access to telemedicine, civic engagement and participation, government services, and to shopping online.
- e. Use 2020 Census data to identify vulnerable populations and to estimate the scope of literacy classes needed and what outreach efforts are most appropriate, particularly in communities of color for purposes of educational access and economic opportunities.

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<sup>3</sup> Ibid.

<sup>4</sup> Angela Siefer Testimony, *Briefing Transcript*, pp. 15-17. Sept. 9, 2020.

- f. Enhance existing information technologies (IT) coursework and degree offerings at Maine higher learning institutions.
- g. Consider regional hubs for literacy training.
- h. Train librarians on the devices used by their communities, including knowledge about updating of software programs and devices.

**2. Finding: Current access to reliable broadband is insufficient in both urban and rural areas.**

*The committee recommends the state legislature and state agencies:*

- a. Determine whether “digital redlining” occurs in Maine, where service providers avoid providing service in low income or in areas with high communities of color. Because 34 percent of Black Mainers, 39 percent Latino Mainers and 47 percent Native Americans in Maine do not have broadband, a concentrated effort must be made to reach those communities.
- b. Determine that broadband is a public utility, subject to regulation that would promote equal access.
- c. Provide guidance for Maine towns, including island communities, that want to build their own networks, including whether paying for outside Internet Service Providers (ISP) is feasible.
- d. Ensure Maine public libraries have sufficient broadband services to provide community internet access for job searches, governmental services, and information.
- e. Update Lifeline and create other funding programs that meet today’s affordability and connectivity challenges. The Lifeline benefit should reflect the modern use of the internet and be at least \$50 a month (\$75 in Tribal areas).
- f. Update the program known as E-rate to allow connections to student homes. Currently, the universal service Schools and Libraries Program, commonly known as “E-rate,” provides discounts of up to 90 percent to help eligible schools and libraries in the United States obtain affordable telecommunications and internet access. The program is intended to ensure that schools and libraries have access to affordable telecommunications and information services.
- g. Update telemedicine programs to allow connections to patients’ homes
- h. Ensure that the definition of adequate broadband is a minimum of 100 mbps download speed/100 mbps upload speed.
- i. Update disability rights statutes to include internet access, as they currently include only phone and mail access.

*The committee recommends the federal government:*

- j. Update federal coverage maps annually to provide accurate mapping of real availability across the country. This would allow urban areas that are often ignored in broadband conversations, yet are just as underserved as many rural areas, to have access to federal funding. This would also disallow self-reporting by internet providers. Federal coverage maps should be refined to show that not all residences in a given block have service.
3. **Finding: There is a significant need for devices for protected status individuals,<sup>5</sup> older adults, and English language learners.**

*The committee recommends that the state legislature and state agencies:*

- a. Require universal design of products, programs, and services related to digital access, which takes into consideration those with disabilities.
  - b. Consider providing tablets to older adults that are preloaded with e-mail accounts, videoconference, and telemedicine access.
  - c. Provide devices to low-income older adults to use for telehealth and decrease social isolation. As the oldest state in the nation with approximately 20 percent of the population over 65, it would be economical for Maine.
  - d. Consult with Disabilities Maine to ensure that new devices and training consider the needs and legal requirements of students with disabilities. For example, cameras for students with special needs to communicate with teachers would enable full participation for those who rely on visual learning and specialized keyboards for physical disabilities.
  - e. Provide foreign language translation capabilities for devices, training, software, and infrastructure for students and parents in school assignments as well as translation services for students and parents to communicate with teachers and other school officials.
4. **Finding: Before federal stimulus funds were available, Maine lacked the funding and infrastructure to bring digital equity to fruition. The stimulus funds alone will not resolve these funding and infrastructure insufficiencies.**

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<sup>5</sup> 5 M.R.S.A § 4552. The Maine Human Rights Act is Maine's anti-discrimination law. It prohibits discrimination on the basis of protected class in employment, housing, places of public accommodation, education, and extension of credit. Protected classes include: race, color, ancestry, national origin, sex, sexual orientation (which includes gender identity and expression), physical or mental disability, religion, age, and other categories in certain contexts.

*The committee recommends the state legislature and state agencies:*

- a. Include components of digital inclusion when awarding Federal funds for broadband expansion: affordability, devices, and educational support for use.
- b. Develop processes and infrastructure through ConnectMaine Authority to create a bridge between the planned digital expansions and Maine's communities of color.
- c. ConnectMaine Authority should work directly with Maine's Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to consider the impacts on racial equity in the disbursement of funds and the implementation of the planned improvements.
- d. Prioritize Federal funds for digital equity and broadband access to state and local governments instead of funds directed to internet service providers.
- e. Include and allow for providing professional learning for educators when providing funding to close the digital divide in education.
- f. Fund the capacity of state agencies and community-based organizations to collect data to enable the state to set policy priorities and make decisions on where to spend available funds based on local data, not outdated national maps. Use state collected data to inform the national data.
- g. Ensure the application process for community-planning grants in Maine regarding digital inclusion is fair, accessible and culturally-tailored to serve community-based organizations/groups.
- h. Dedicate funding to increase accessibility and support for students with disabilities. Accessibility is crucial as almost 20 percent of Maine students are disabled, and poverty and disability often overlap.
- i. Provide stipends to enable parents/guardians to attend digital literacy training.