

HOUSE BILL REPORT

HB 2313

As Reported by House Committee On:

Innovation, Community & Economic Development, & Veterans

Title: An act relating to furthering digital equity and opportunity in Washington.

Brief Description: Furthering digital equity and opportunity in Washington.

Sponsors: Representatives Gregerson, Ryu, Reed, Ortiz-Self, Morgan, Davis, Ormsby, Bergquist, Simmons, Street, Pollet, Shavers and Doglio.

Brief History:

Committee Activity:

Innovation, Community & Economic Development, & Veterans: 1/23/24, 1/30/24 [DPS].

Brief Summary of Substitute Bill

- Expands the purpose and duties of the Washington State Office of Equity (Office of Equity) regarding digital equity, including requiring the Office of Equity to monitor implementation of the Digital Equity Plan and conduct an outreach effort regarding broadband and digital equity programs.
- Establishes that the Digital Equity Forum is not required to advise the Department of Commerce regarding certain digital equity grant programs.
- Makes changes to the purpose and application selection criteria of the Office of the Superintendent of Public Instruction's technology grant program.

HOUSE COMMITTEE ON INNOVATION, COMMUNITY & ECONOMIC DEVELOPMENT, & VETERANS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes, Paul, Senn, Shavers and Street.

Minority Report: Do not pass. Signed by 5 members: Representatives Volz, Ranking Minority Member; Caldier, Chambers, Christian and Waters.

Minority Report: Without recommendation. Signed by 1 member: Representative Barnard, Assistant Ranking Minority Member.

Staff: Emily Poole (786-7106).

Background:

Statewide Broadband Office.

The Statewide Broadband Office (SBO) is the central broadband planning body for the state, and as such, it is tasked with promoting deployment of broadband infrastructure and greater broadband access. Among other duties, the SBO is required to coordinate an outreach effort to hard-to-reach communities and low-income communities across the state to provide information about broadband programs available to consumers.

The SBO is tasked with updating the state's broadband goals and definitions for broadband service as technology advances, except that the state's definition for broadband service may not be actual speeds less than 25 megabits per second download and three megabits per second upload.

Washington State Office of Equity.

The Washington State Office of Equity (Office of Equity) serves the purpose of promoting access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across state government.

Digital Equity Forum.

The Digital Equity Forum (Forum) develops recommendations to advance digital connectivity and advises the SBO on the Digital Equity Opportunity Program and the Digital Equity Planning Grant Program. In developing its recommendations, among other requirements, the Forum must develop goals that are consistent with the SBO's broadband goals and strengthen public-private partnerships. The SBO and the Office of Equity are jointly responsible for transmitting the Forum's recommendations to the Legislature by October 28, 2025, and every odd-numbered year thereafter. The SBO and the Office of Equity are responsible for appointing members of the Forum. A majority of the participating members must appoint an administrative chair for the Forum.

Digital Equity Plan.

The SBO, in consultation with the Forum and certain agencies, must develop a state Digital Equity Plan (Plan). In developing the Plan, the SBO must identify measurable objectives

for documenting and promoting digital equity among underserved communities.

The SBO was required to submit a report by December 1, 2023, to the Governor and the Legislature including a description of how the SBO collaborated with key stakeholders to develop the Plan and recommendations to help improve broadband adoption.

Department of Commerce Digital Equity Grant Programs.

The Digital Equity Planning Grant Program, established by the Department of Commerce (Department), provides grants to local governments, institutions of higher education, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state.

The purpose of the Digital Equity Opportunity Program, also administered by the Department, is to advance broadband adoption and digital equity throughout the state. In implementing the Digital Equity Opportunity Program, the Department must provide organizational support to digital equity programs and provide grants to community technology programs to advance digital equity and inclusion.

The Forum must review grant applications for both grant programs and provide input to the Department regarding the prioritization of applications.

Technology Grant Program.

The Office of the Superintendent of Public Instruction (OSPI) administers a technology grant program for Digital Equity and Inclusion Grants to advance the following objectives:

- attaining a universal 1:1 student to learning device ratio;
- expanding technical support and training of school and district staff in using technology to support student learning; and
- developing district-based and school-based capacity to assist students and their families in using technology to support student learning.

When selecting applicants, the OSPI must prioritize applicants based on certain criteria, including the applicant's pre-existing programs, the number of students eligible for reduced-price meals, and the number of students with specialized technology needs.

Summary of Substitute Bill:

SBO Duties.

The purpose of the SBO is expanded to include developing and improving broadband adoption and digital equity within the state. In carrying out its purpose, the SBO must collaborate with federally recognized tribes and all relevant state agencies, including, but not limited to, the Office of Equity, the OSPI, and the Consolidated Technology Services Agency.

The state's definition for broadband service may not be actual speeds less than 100 megabits per second download and 20 megabits per second upload.

Office of Equity Duties.

The Office of Equity is tasked with undertaking outreach efforts, previously coordinated by the SBO, to hard-to-reach and low-income communities, which include providing information about digital equity programs and assisting consumers in enrolling in broadband and digital equity programs.

The Office of Equity, in consultation with the Forum and certain agencies, must develop and monitor implementation of the Plan, building upon the progress made by the SBO in developing the Plan. By December 1, 2024, the Office of Equity must submit a report to the Governor and the Legislature including, among other components, recommendations of state policies to improve broadband adoption and an evaluation of existing state digital equity initiatives.

The Office of Equity must make publicly available, on an ongoing basis, an overview of progress made in promoting digital equity among underserved communities, according to the measurable objectives identified in the Plan. The overview must include a description of the successes and remaining challenges of promoting digital equity among specific types of underserved populations.

The Office of Equity must consult with the Department on the implementation of the Digital Equity Opportunity Program and the Digital Equity Planning Grant Program.

Digital Equity Forum.

The purposes of the Forum include developing recommendations to advance broadband adoption and digital equity in Washington. The Forum is not required to advise the SBO on the Digital Equity Opportunity Program and the Digital Equity Planning Grant Program.

A majority of the members of the Forum may appoint an administrative chair or cochairs.

Technology Grant Program.

The objectives of the OSPI's Digital Equity and Inclusion Grants include maintaining, as well as attaining, a universal 1:1 student to learning device ratio. When ranking and selecting applicants, the OSPI is not required to prioritize applicants based on their pre-existing programs, the percentage of students eligible for free and reduced-price meals, or the number of students with specialized technology needs.

Definitions.

Definitions for certain terms, including "community anchor institution" and "low-income," are added or modified.

Substitute Bill Compared to Original Bill:

The substitute bill:

- transfers certain duties relating to digital equity from the SBO to the Office of Equity, including the SBO's outreach efforts to hard-to-reach and low-income communities;
- requires the Office of Equity to develop and monitor implementation of the Plan, building upon progress made by the SBO;
- requires the Office of Equity to submit a report to the Governor and the Legislature by December 1, 2024, including policy recommendations and an evaluation of existing digital equity initiatives;
- requires the Office of Equity to make publicly available, on an ongoing basis, an overview of the progress made in promoting digital equity;
- requires the Department to consult the Office of Equity in implementing digital equity grant programs; and
- recodifies the statutory section establishing the Forum as a section in the chapter that establishes the Office of Equity.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill builds upon the state's ongoing efforts relating to digital equity. Digital equity is about broadband speed, access, and affordability, as well as digital navigation skills. Broadband access is critical for students and schools, and it was especially critical during the pandemic. There is an unprecedented opportunity to take advantage of federal broadband funding to increase broadband access across the state. This bill will help agencies work together more effectively on digital equity. The state should ensure that there is dedicated revenue to fund digital equity efforts. Federal broadband funding is not sufficient to ensure that people in rural areas have access to broadband. There cannot be digital equity unless broadband infrastructure is deployed to the people who need it. The SBO's digital equity work should be more transparent. Digital equity efforts should focus on all types of underserved communities. The bill should include a definition of "community anchor institutions" that includes libraries. The OSPI's technology grant program has been successful in supporting students in school districts, and this bill will provide more flexibility for the funding.

(Opposed) None.

(Other) The SBO has deployed millions of dollars in funding to develop broadband infrastructure and promote digital navigation. The SBO is preparing to launch a major

federal infrastructure development program to bring more high-speed infrastructure to underserved communities, but there is more work that needs to be done on digital equity. Digital equity is about people being able to fully participate in the economy. This bill will encourage a cross-agency approach. The Office of Equity is prepared to take on digital equity work as a convenor, without recreating the wheel. Digital equity solutions need to be targeted for each community. The Office of Equity will bring more transparency to the state's digital equity work.

Persons Testifying: (In support) Representative Mia Gregerson, prime sponsor; Paula Sardinas, FMS Global Strategies, Limited Liability Company and Washington Build Back Black Alliance; Carolyn Logue, Washington Library Association; Danica Noble, Washington State Parent Teacher Association; Mikhail Cherniske, Office of Superintendent of Public Instruction; Sabrina Roach, Washington Digital Equity Partners; Frank Corbin, Lewis County Broadband Action Team; and Kristopher Larsen, Filipino Community of Seattle.

(Other) Dave Pringle, Department of Commerce; and Megan Matthews, Office of Equity.

Persons Signed In To Testify But Not Testifying: None.