



# *The E-Rate Program*

## **CIPA Update**

Fall 2011 Applicant Trainings

## Overview

- Summary of new requirements
- Recap of continuing Children's Internet Protection Act (CIPA) requirements
- Report and Order [FCC 11-125](#)
  - Additional information
  - Rule revisions
  - Clarifications

## *CIPA Update*

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# **Summary of New Requirements**

## New requirements under CIPA

- FOR SCHOOLS – By July 1, 2012, amend your existing Internet safety policy (if you have not already done so) to provide for the education of minors about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response.
- FOR LIBRARIES – No new requirements.
- Overall - several existing statutory requirements have been codified and others have been clarified.

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# **Recap of Continuing Requirements**

## CIPA requirements

1. Internet safety policy
2. Technology protection measure (filter)
3. Public notice of – and public meeting or hearing on – the Internet safety policy

For a detailed discussion of CIPA requirements:

[Children's Internet Protection Act](#) website guidance

[Form 486 Instructions](#)

[Form 479 Instructions](#)

# Recap of Continuing Requirements

## 1. Internet Safety Policy must:

- Address certain policy issues (next slide)
- Be addressed at a public hearing or meeting for which reasonable public notice is provided
- Include a technology protection measure
- (Schools only) Include monitoring of online activities of minors

TIP: You must retain a copy of your policy.

# Recap of Continuing Requirements

## Policy issues that must be addressed:

- Access by minors to inappropriate material
- Safety/security of minors when using e-mail, chat rooms, other direct electronic communications
- Unauthorized access, including “hacking” and other unlawful activities by minors online
- Unauthorized disclosure, use and dissemination of personal information regarding minors
- Measures designed to restrict minors’ access to materials harmful to minors



# Recap of Continuing Requirements

## 2. Technology protection measure (filter)

- Specific technology that blocks or filters Internet access
- Must protect against access by adults and minors to visual depictions that are obscene, child pornography, or harmful to minors
- Can be disabled for adults engaged in bona fide research or other lawful purposes

TIP: Retain documentation demonstrating that your filter is in place.

# Recap of Continuing Requirements

## 3. Public notice and public meeting or hearing

- Proposed policy must be addressed at a public meeting or hearing for which reasonable public notice was given.
  - For private schools, “public” notice means notice to their appropriate constituent group.

TIP: Retain documentation of public notice (e.g., newspaper ad, flyer, announcement in other publication) and documentation of hearing or meeting (e.g., board agenda, meeting minutes).

## Additional information on new requirements

- New requirements come from the Protecting Children in the 21<sup>st</sup> Century Act, which updated the Children's Internet Protection Act.
- Internet safety policies for schools must be updated on or before July 1, 2012 to provide for:
  - The education of minors about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms
  - Cyberbullying awareness and response

## Additional information on new requirements

- “Social networking” and “cyberbullying” are not defined, nor are specific procedures or curricula detailed for schools to use in educating students.
  - Congress’ intent is that local authorities should make decisions in this area.
  - Resources are available to assist in this process if needed – e.g., OnGuard Online.gov.

## Additional information on new requirements

- Schools do not need to hold a new public meeting or hearing about amendments adopted to meet the new requirements unless required to do so by state or local rules.
- Forms 486 and 479 will not be amended because the existing language includes a certification of compliance with all statutory requirements.
- Instructions for these forms will be revised to list the new requirement from the Protecting Children in the 21<sup>st</sup> Century Act.

## Revisions to the current rules detailed in the Order:

- Do not impose additional obligations but codify existing statutory requirements
- Simplify the application process by including important definitions
- Will not require re-filing forms

## Define elementary and secondary schools consistently

- An elementary school is “a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education as determined under State law.”
- A secondary school is “a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.”

## Add “school board” as an administrative authority

- This revision clarifies that school boards are also authorized to make CIPA certifications.
- The term “school district” is maintained as an entity that is authorized to make CIPA certifications.



## Add certain definitions

- Definitions of specific terms are added to program rules consistent with the statute.
  - For example - The term “minor” is defined as it is defined in the CIPA statute: any individual who has not attained the age of 17 years.
    - This definition must be used for the purposes of CIPA even though the definition of “minor” varies from state to state.

## Add certain statutory provisions

- Provisions are related to local authorities' rights and obligations regarding technology protection measures.
  - The school or library must enforce the operation of technology protection measures while the school or library computers with Internet access are being used.

## Add certain statutory provisions

- An administrator, supervisor, or other person authorized by the certifying authority can disable the technology protection measure to allow for bona fide research or other lawful purpose by an adult.
  - Specific methods for disabling technology protections are not mandated.
  - “Bona fide research” is not defined.
  - “Disabling” guidelines are not provided.
  - These decisions are left up to the local communities.

## Add certain statutory provisions

- Local school and library authorities must determine what matter is inappropriate for minors.
  - This is a codification of the requirement in the statute.
  - Specific social networking sites are not automatically considered “harmful to minors” or assumed to fall into one of the categories that schools or libraries must block.

## Add document retention information

- Applicants must retain copies of their Internet safety policies for at least five years after the funding year in which the policy was relied on to obtain E-rate funding.
  - For example: If the policy adopted in 2002 is the basis of the Form 486 certification for FY2009, the school must retain its policy documentation for five years after the last day of service for FY2009.
- Policies must be made available to the FCC upon request.
  - E-rate funds will not be withheld pending review.
  - The FCC does not intend to request policies with any more frequency than it has in the past.

## Add public notice and meeting or hearing guidance

- Public notice and a public hearing or meeting is required for any newly adopted Internet safety policies.
  - Notice and hearing or meeting is not required for AMENDMENTS to Internet safety policies (i.e., updates to comply with the new requirements) UNLESS required under state or local rules.
  - No CIPA violation has occurred if the hearing or meeting was held prior to August 2004 and records of the notice and the hearing or meeting cannot be produced.
    - Going forward, documentation must be retained (see slide #10 for examples of documentation).

## Clarify opportunity to correct minor errors

- USAC should offer applicants an opportunity to correct errors that are immaterial to statutory compliance with CIPA.
  - For example, a school has complied in practice with the CIPA certification it made, but inadvertently left out one of the details of its practice in its written policy.
    - USAC will allow the school to amend its Internet safety policy to reflect its actual practice.

## Clarify grace period for new applicants

- New applicants and applicants that have only applied for telecommunications services in the past will still have one year to come into compliance with CIPA.
  - For example, a school applying for the first time for Internet Access for FY2012 must be working toward compliance during FY2012 and must come into compliance by July 1, 2013.
  - For more information, review First, Second and Third Funding Years in the [CIPA guidance](#) on the website.



## Public comment

- The FCC plans to seek public comment in a separate proceeding on the following issue:
  - Do CIPA requirements apply to the use of portable devices owned by students and library patrons – such as laptops and cellular telephones – when those devices are used in a school or library to obtain Internet access that has been funded by E-Rate?
- The FCC may raise other issues as well.

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# Questions?