

Background on CIPA

- CIPA = Children's Internet Protection Act
- Signed into law 12/21/2000 as part of a larger spending package

Internet Filtering Requirements

The Acts, Some Facts, and How It
All Ties in with E-rate

Establishes policy requirements for
federal technology funding:

Background on CIPA

- E-rate (Telecommunications Act of 1996)
- Library Services & Technology Act (LSTA)
- Title III of Elementary & Secondary Education Act (ESEA)

Background on CIPA

- Special provisions for E-rate users:
 - Does NOT apply to telecom-only funding
 - Must meet additional Internet safety policy requirements under Neighborhood Children's Internet Protection Act (N-CIPA)

Background on CIPA

- FCC rules went into effect April 20, 2001
- Form 486 to be used for CIPA compliance certification for E-rate purposes
- Timeframe for adoption of Internet Safety Policy same as for Technology Protection Measures

CIPA Requirements

- Requires adoption and implementation of an “Internet Safety Policy”
- For all LSTA, ESEA, and E-rate fund applicants, means operation of a “technology protection measure” that blocks or filters Internet access to visual depictions that are:

CIPA Requirements

- Obscene
- Child pornography
- Harmful to minors*
- Other material deemed locally to be “inappropriate for minors”

– *Minor = an individual who has not attained the age of 17

CIPA Requirements

- For E-rate fund applicants only, requires other safety and security measures for minors (as called for in N-CIPA) re:
 - E-mail
 - Chat rooms
 - Other direct electronic communications (e.g., Instant Messaging)
 - “Hacking” and other unlawful online activities
 - Unauthorized disclosure of personal ID info on minors

CIPA Requirements

- For schools applying for E-rate funds, also requires that the Internet Safety Policy include monitoring the online activities of minors
 - Note: Libraries are not required to monitor the activities of minors

CIPA Requirements

- Requires public hearing or meeting on the Internet Safety Policy
 - Must provide reasonable public notice for the hearing or meeting
 - Local schools must have their own policy
 - They must sign Form 479 certifying they have implemented such policy

CIPA Requirements

- Disabling of filtering is allowed:
 - For authorized use for “bona fide research or other lawful purposes”
- Federal funding
 - ESEA and LSTA funds available
 - E-rate funds NOT available

CIPA Impact on E-rate Year 4

- Must initially certify that an Internet Safety Policy is in effect or that the applicant is undertaking initial actions to do so
- Timing is important
 - Safest bet is to take some type of action before funding Year 4 starts on July 1, 2001
 - Can be as simple as assigning a staff member or appointing a committee to begin the process

CIPA Impact on E-rate Year 4

- Document the actions you take
 - Letter or memo from responsible administrator
 - Minutes from library or school committee/board meeting
 - Record of attendance at meetings or workshops related to CIPA (including names of attendees and dates)
 - Just reading an e-mail about filtering probably does NOT qualify as “taking action”

CIPA Impact on E-rate Year 4

- If no action has been taken by the time the school or library starts to receive Year 4 E-rate services, those services will NOT be eligible for discounts until the school or library does begin the process of complying with the E-rate provisions of CIPA

When Must I Certify?

- Certification of compliance or taking steps to comply must be made
 - on or before October 28, 2001 if no Year 4 E-rate services received before this date; or
 - on or before the start date for Year 4 E-rate services, but no later than October 28, 2001
 - For most, July 1, 2001 will be the compliance date

When Must I Certify?

- Certification of full compliance must be made by the start of funding Year 5 (i.e., **July 1, 2002**)
- Exception: Unless applicant requests and receives a **waiver** because full compliance is prevented due to delays caused by local procurement procedures

How Do I Certify?

- Year 4
 - Schools and libraries applying for E-rate funds certify via **Form 486** (form being revised by SLD) on or before October 28, 2001 that
 - a) they have the policies and technology protection measures related to CIPA in place;
 - b) they are undertaking actions to put such policies and technology protection measures in place by the start of Year 5 (July 1, 2002); or

How Do I Certify?

- c) they are only applying for telecommunications services and not for Internet access or internal connections (therefore the E-rate CIPA provisions do not apply).
- Members of consortia certify on **Form 479** (new form)
- Consortia leaders will be required to certify that they have collected Forms 479 from all their members indicating that they are in compliance

How Do I Certify?

- Year 5
 - Certification will be made on the (new) Form 486
 - No specific filing dates announced yet

Things You Can Do to Get Started

- Assign a staff member or appoint a committee to begin implementing CIPA
- Conduct research to understand the provisions of CIPA and the FCC's regulations
- Research the different technology protection measures available

Things You Can Do to Get Started

- Develop a draft RFP to obtain technology protection measures
- Develop a draft Internet Safety Policy for discussion at a public meeting
- Determine if your existing Internet Safety Policy already meets CIPA requirements

Things You Can Do to Get Started

- Whatever you do, you must undertake (and document) some sort of effort to implement CIPA by July 1, 2001 if you expect to receive E-rate discounts on Internet access or internal connections
- However, you have until July 1, 2002 to complete your efforts to fully implement CIPA

Things You Can Do to Get Started

- Even after taking some initial action(s) to implement CIPA, schools and libraries have until October 28, 2001 to decide if they will or will not fully implement CIPA

What If I Choose NOT to Implement CIPA?

- Just don't certify CIPA compliance on your Form 486
- Still eligible to receive universal discounts on telecommunications services
 - Simply file a Form 486 for your Telecommunications FRNs with the box for “CIPA does not apply” checked

What If I Choose NOT to Implement CIPA?

- If applicable, file a Form 500 cancelling the Internet Access and Internal Connections FRNs which you have received
- Be aware that such a decision may affect your ESEA Title III and LSTA funding

FCC Rules on CIPA

- Local authorities are best situated to choose which technology measures and Internet Safety Policies will be most appropriate for their relevant communities
- A school administrative authority must certify that its policy of Internet safety includes **monitoring** the online activities of minors

FCC Rules on CIPA

- Reimbursement for non-compliance shall be made directly by the school or library (not the service provider)
- All members of a consortium receiving discounts for Internet access and/or internal connections must submit signed certifications to the Billed Entity of each consortium on a new Form 479

FCC Rules on CIPA

- The Billed Entity must maintain a file of all Form 479 certifications
- The Billed Entity must certify on the Form 486 that it has received completed and signed certifications from all such members, and shall make such certifications available to the FCC or SLD upon request

FCC Rules on CIPA

- The Billed Entity is NOT responsible for verifying that members' certifications are accurate
- The entire consortium will not be penalized due to the non-compliance of an individual member(s)
- CIPA makes no distinction between computers used only by staff vs. the public

What the FCC Rules Don't Require

- E-rate applicants do not have to
 - certify the effectiveness of their filtering
 - track attempts to access prohibited material
 - further define prohibited material or actions
 - establish specific provisions to disable protection measures for lawful research
 - post actual CIPA requirements
 - post text of their Internet safety policies

What the FCC Rules Don't Require

- E-rate applicants do not have to
 - identify their technology protection vendors
 - post instructions on registering complaints

Advice

- Schools, school districts, libraries and library consortia may want to seek the advice of legal counsel in an attempt to ensure that their actions are in compliance with the letter of the law

Resource Sites

- Refer to the following web sites for additional information on CIPA:
 - <http://www.merit.edu/usf/govdocs.html#CIPA>
 - <http://www.ala.org/cipa>
 - <http://www.aclu.org/issues/cyber/trial/appeal.html>
 - <http://www.safewiredschools.org/040601.html>