

Children's Internet Protection Act (CIPA) and Other E-rate Related Information

(Please note that this is an updated version of CIPA related information. **There are several new E-rate/USAC requirements. Please read this document carefully.**)

The Children's Internet Protection Act (CIPA) is a federal law enacted by Congress to address concerns about access to offensive visual content over the Internet on school and library computers. CIPA imposes certain requirements on schools or libraries seeking reimbursements for Internet access or internal connections from the E-rate program. In general, school and library authorities must certify either that they have complied with the requirements of CIPA; that they are undertaking actions to comply with the requirements of CIPA; or that CIPA does not apply to them because they are receiving discounts for telecommunications services only.

IMPORTANT NOTE: An Acceptable Use Policy (AUP), or other usage contract, is NOT the same as an Internet Safety Policy (ISP) and will not meet federal or FCC compliance standards.

What CIPA Requires

- Schools and libraries subject to CIPA are required to adopt and implement an Internet Safety Policy that includes technology protection measures that block or filter Internet access to images that are: (a) obscene; (b) child pornography; or (c) harmful to minors. The Internet Safety Policy must address: (a) access by minors to inappropriate matter on the Internet; (b) the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications; (c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors' access to materials harmful to them.
- Before adopting an Internet Safety Policy, schools and libraries must hold at least one public hearing or meeting to address the proposed Internet Safety Policy. In this regard, an often overlooked but key element of CIPA compliance is that there must be reasonable public notice that the proposed technology protection measure and Internet Safety Policy are on the meeting agenda.
- Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have in place an Internet Safety Policy and have complied with all CIPA requirements.

- **NEW REQUIREMENTS FOR ALL APPLICANTS:**

- Upon request Internet Safety Policies *must* be MADE available to the FCC.
- Document Retention: The August 10, 2011 FCC Report and Order changed the document retention requirements for CIPA documentation. In general, for each funding request, schools and libraries are required to retain all E-rate documents for at least five years after the last day of service delivered in a particular funding year. The FCC has now stated that in applying the requirement to Internet Safety Policies, a school or library should be required to retain its Internet Safety Policy documentation for a period of five years after the funding year in which the policy was relied upon to obtain E-rate funding.

For example, if a school adopted an Internet safety policy in 2002 and used that same policy to make its certification in funding year 2009, the school must retain its Internet safety policy documentation for five years after the last day of service for funding year 2009.

- **NEW REQUIREMENTS ONLY FOR SCHOOLS (NOT LIBRARIES):** On August 10, 2011 the FCC adopted new requirements from Protecting Children in the 21st Century Act. It is required that Internet Safety Policies must now include provisions for educating students about: (1) appropriate online behavior on social networking sites and in chat rooms; and (2) Cyber-bullying awareness and response. (3) Schools subject to CIPA are required to adopt and enforce a policy to monitor online activities of minors.
NOTE: These new requirements go into effect for Funding Year 2012-2013.

Additional New FCC CIPA Guidance

The FCC has stated that:

- Unless required by local or state rules, an additional public notice and a hearing or meeting is not necessary for amendments to Internet Safety Policies, including the changes to schools' Internet Safety Policies required by the Protecting Children in the 21st Century Act.
- For schools or libraries that convened a hearing or meeting before the FCC adopted its record retention rules in August 2004, and may not have retained a record of the hearing or

meeting, the FCC will not consider it a CIPA violation if the hearing or meeting was held prior to August 2004, and the entity cannot produce such records.

- However, prospectively, an entity must, at a minimum, keep at least some record of when the public notice and hearing or meeting took place (e.g., a copy of the meeting agenda, or a newspaper article announcing the hearing or meeting or an affidavit from someone who attended the meeting attesting to the fact that the meeting occurred).
- If you have already held a public meeting regarding your Internet Safety Policy but are unable to locate any records of the notice and meeting, then you should issue a new notice and hold a new meeting as soon as your governing board's schedule permits. The new notice and meeting will demonstrate compliance with the CIPA statute and satisfy FCC requirements.
- The FCC also stated that if an entity's existing Internet safety policy contains language sufficient to encompass the new requirements of the Protecting Children in the 21st Century Act, then no amendment to the policy is required.

Internet Links for CIPA Information

- Text Full of CIPA: <http://ifea.net/cipa.html>
- August 10, 2011 FCC Report and Order:
http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0819/FCC-11-125A1.pdf
- USAC website: <http://www.universalservice.org/sl/applicants/step10/cipa.aspx>

Useful Information from the Federal Trade Commission related to cyberbullying and social networking sites is available at the following link:

<http://www.ftc.gov/bcp/edu/microsites/livinglifeonline/index.shtm> ("Living Life Online" booklet)

Thank you for your diligence in making sure your entity is fully CIPA compliant. If you have any questions please call Steve Kaplan or Linda Sadler at Educational Funding Group: 216-831-2626 or e-mail: erate@naa.com .