

Region One Education Service Center “CIPA Survival Guide”

DISCLAIMER

The following information is intended to be used solely a guide to assist districts in addressing CIPA requirements. It is the responsibility of individual schools, school districts and libraries to refer to the full text of the FCC Report and Order and other relevant CIPA documents (links listed at the end of this document) to ensure complete compliance with CIPA.

Unless otherwise indicated, page numbers in this document refer to FCC Report and Order on the Children’s Internet Protection Act (CC Docket No. 96-45) adopted on March 30, 2001 and released on April 5, 2001. This Order adopts rules that implement CIPA (page 24).

SLD Specific CIPA Guidance for Year 4 “Undertaking Actions” Certification

It is the responsibility of individual schools, school districts and libraries to refer to the information available on the Schools and Libraries Division (SLD) website relating to CIPA. This can be found at:

<http://www.sl.universalservice.org/whatsnew/MISC/CIPA051801.asp>

or any additional information that the SLD might make available.

CIPA DATES – page 8

The Children’s Internet Protection Act (CIPA) was signed into law on December 21, 2000. The effective date of the Children’s Internet Protection Act (CIPA) will begin with E-rate Funding Year 4 beginning on July 1, 2001 and ending on June 30, 2002.

The CIPA certifications are due on or before October 28, 2001 (as part of a modified FCC Form 486) for Funding Year 4 beginning on July 1, 2001.

PUBLIC NOTICE REQUIREMENTS – page 21

A school, school board, local educational agency, or other authority with the responsibility for administration of the school, shall provide reasonable public notice and hold at least one public hearing or meeting to address a proposed Internet safety policy. Furthermore, schools and libraries adopting the requisite Internet safety policy must also provide reasonable public notice and at least one public hearing or meeting to address that proposed policy.

If an entity has already provided reasonable public notice and at least one public hearing or meeting relating to an Internet safety policy and technology protection measure that meets the requirements of section 254(h), and also relating to an Internet safety policy that complies with section 254(1), then we conclude that the entity has already complied with the public notice and hearing requirements of CIPA. (page 22)

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CIPA SUMMARY – page 3-4

In order to receive discounts for Internet access and internal connections services under the universal service support mechanism (E-rate), school and library authorities must certify that:

- They are enforcing a policy of Internet safety that includes measures to block or filter Internet access for both minors and adults;
- The policy of Internet safety includes monitoring the online activities of minors;
- They have adopted and implemented an Internet safety policy addressing (i) access by minors to inappropriate matter on the Internet and World Wide Web; (ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (iii) unauthorized access, including so-called “hacking,” and other unlawful activities by minors online; (iv) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (v) measures designed to restrict minors’ access to materials harmful to minors;
- That they have the policies and technology measures in place, or that they are undertaking such actions, including any necessary procurement procedures, to put them in place for the following funding year by October 28, 2001;
- That this information will be certified on FCC Form 486.

JULY 1, 2001 TO OCTOBER 28, 2001 – page 9

Any school or library that receives discounted services between July 1st and October 28, 2001 must be taking actions to comply with CIPA *at the time that it actually receives these services*, even though the certification is not due until October 28, 2001.

ENTITIES “UNDERTAKING SUCH ACTIONS” – page 9

For entities that state that they are “undertaking such actions, including any necessary procurement procedures to put in place” the required policies and measures, they need not have the required policy and measures in place until the subsequent year.

TRACKING INTERNET USE – page 5

CIPA does not, however, require the tracking of Internet use by any identifiable minor or adult user. Furthermore, CIPA requires that recipients provide reasonable public notice and hold at least one public hearing or meeting to address this proposed policy of Internet safety.

PENALTY – page 6

Schools and libraries that knowingly fail to ensure the use of their computers in accordance with the certifications under section 254(h)(5)(A)(i) and (6)(A)(i) are required to reimburse any funds and discounts received for the period during which they were out of compliance, but may receive discounts for subsequent services after remedying compliance. Typically, the Administrator of the universal service (as when funds have been incorrectly awarded), seeks reimbursement from the service provider. CIPA, however, specifically requires that any reimbursement of universal service funds necessary because of an entity’s noncompliance shall be made by the school or library.

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It would be inconsistent with the statute to penalize the entire consortium if only some members of the consortium fail to comply with CIPA (page 14). In the event that a member of a consortium is deemed not to be in compliance with CIPA, the authority for that school or library shall reimburse its proportional share of the universal service discounts it has received pursuant to the statute for the period during which the entity was out of compliance with CIPA. (page 14)

FUNDING YEAR 5 AND FUTURE YEARS – page 10

Starting in Funding Year 5, entities will be required to make this certification as part of the application process for that funding year using a modified FCC Form 471. (page 11)

CERTIFYING ENTITY – page 12

Often, the responsible individuals are school district officials or school board members.

The FCC directs the SLD to accept CIPA certifications from the Billed Entity on behalf of its components. (page 13)

CONSORTIA – page 13

All members of a consortium receiving discounts must submit signed certifications to the Billed Entity of each consortium on a new form, FCC Form 479 (“Certification to Consortium Leader of Compliance with the Children’s Internet Protection Act”), in language consistent with that adopted on the FCC Form 486. The Billed Entity shall maintain a file of those certifications. The Billed Entity shall 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 Commission or SLD upon the request of either. The Billed Entity is not responsible for verifying that members’ certifications are accurate. (page 14)

TELECOMMUNICATIONS SERVICES ONLY – page 15

Schools and libraries receiving only telecommunications services are clearly excluded from the requirements of CIPA.

PUBLIC VERSUS STAFF COMPUTERS – page 15

CIPA makes no distinction between computers used only by staff and those accessible to the public. Therefore, there is no exemption provided from CIPA for computers not available to the public.

INTERNET SAFETY POLICY EFFECTIVENESS – page 16

The FCC will not require entities to certify to the effectiveness of their Internet safety policy and technology protection measures.

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FCC FORM 486 – page 17

Schools and libraries must make the following certification on FCC Form 486:

I certify that (check one):

1. The recipient(s) of service represented in the Funding Request Number(s) on this Form 486 has (have) complied with the requirements of the children’s Internet Protection Act, as codified at 47 U.S.C. 254(h) and (1).
2. Pursuant to the Children’s Internet Protection Act, as codified at 47 U.S.C. 254(h) and (1), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
3. The Children’s Internet Protection Act, as codified at 47 U.S.C. 254(h) and (1), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) receiving discount services only for telecommunications services.

CONSORTIUM CERTIFICATION – page 17

Every Billed Entity who filed a Form 471 as a “consortium application” on behalf of consortium members shall make one of the following two certifications:

I certify as the Billed Entity for the consortium that I have collected duly completed and signed certifications from all eligible members of the consortium.

I certify as the Billed Entity for the consortium that the only services received under the universal service support mechanism by eligible members of the consortium are telecommunications services, and therefore the requirements of the Children’s Internet Protection Act, as codified at 47 U.S.C. 254(h) and (1), do not apply.

DEFINITIONS – page 21

Obscenity, Child Pornography, Harmful to Minors

We decline to follow the suggestions of commenters to incorporate within our regulations layman’s explanations of obscenity, child pornography, and the term “harmful to minors.” We decline to amplify the statutory definitions.

Technology Protection Measure

From Section 1, Chapter 32, Education Code, Subchapter C enacted by the legislature of the State of Texas: “Technology protection measure” means a technology that blocks or filters Internet access to visual depictions that are obscene.”

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Undertaking Actions

From SLD “Specific CIPA Guidance for Year 4 “Undertaking Actions” Certification available at: <http://www.sl.universalservice.org/whatsnew/MISC/CIPA051801.asp>
For a school or library to be able to certify that it was undertaking actions, it must be able to demonstrate that action was taken by the start of services for Funding Year 4. SLD will not request this documentation as part of the Form 486 filing process, but the school or library must maintain this documentation in its files for audit purposes. An undertaken action is an action which can be documented and which moves the school or library toward compliance.

Following are a few examples of documentation that could demonstrate that a school or library is "undertaking actions" to comply with CIPA:

- a. A published or circulated school or library board agenda with CIPA compliance cited as a topic.
- b. A circulated staff meeting agenda with CIPA compliance cited as a topic.
- c. A Service Provider quote requested and received by a recipient of service or Billed Entity which contains information on a Technology Protection Measure.
- d. A draft of an RFP or other procurement procedure to solicit bids for the purchase or provision of a Technology Protection Measure.
- e. An agenda or minutes from a meeting open to the public at which an Internet Safety Policy was discussed.
- f. An agenda or minutes from a public or nonpublic meeting of a school or library board at which procurement issues relating to the acquisition of a Technology Protection Measure were discussed.
- g. A memo to an administrative authority of a school or library from a staff member outlining the CIPA issues not addressed by an Accessible Use Policy currently in place.
- h. A memo or report to an administrative authority of a school or library from a staff member describing research on available Technology Protection Measures.
- i. A memo or report to an administrative authority of a school or library from a staff member which discusses and analyzes Internet Safety Policies in effect at other schools and libraries.

This list is not meant to be exhaustive. Remember that such actions must occur **before** the start of services in order for discounts to be paid back to the Service Start Date reported on the Form 486.

DISABLING TECHNOLOGY PROTECTION MEASURES – page 22

Section 254(h)(5)(D) and (6)(D) permits a school or library administrator, supervisor, or other person authorized by the certifying authority, to disable an entity’s technology protection measure in order to allow bona fide research or other lawful use by an adult. We decline to promulgate rules mandating how entities should implement these provisions. (page 23)

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FUNDING FOR TECHNOLOGY PROTECTION MEASURES

CIPA clearly prohibits recipients from obtaining discounts under the universal service support mechanism for the purchase or acquisition of technology protection measures necessary for CIPA compliance.

STATE LIMITATIONS ON CERTAIN FUNDS

From Section 1, Chapter 32, Education Code, Subchapter C enacted by the legislature of the State of Texas:

“A public school that provides a computer used to access the Internet that is not equipped with a technology protection measure is not eligible for:

1. a loan or grant under Subchapter C, Chapter 57, Utilities Code; or
2. a reduced rate under Subchapter B of Chapter 57, Subchapter G of Chapter 58, or Subchapter D of Chapter 59, Utilities Code.

CIPA LINKS

The following links are available on the Region One ESC Technology CIPA website located at: <http://www.esc1.net/technology/cipa.htm>.

- [Region One CIPA Survival Guide](#)
This document.
- [Schools and Library Division \(SLD\) CIPA Information](#)
Information regarding the requirements for recipients of service and for Billed Entities under the Children's Internet Protection Act (CIPA).
- [Federal Communications Commission \(FCC\) CIPA Rules](#)
Copy of the full rules (39 pages) issued April 5 from the Federal Communications Commission (FCC) implementing CIPA.
- [FCC Final Report and Order Regarding CIPA](#)
FCC Report and Order which involves the adoption of rules relating to implementing CIPA. These FCC rules were adopted in response to the law passed in December.
- [FCC CIPA Report and Order Erratum](#)
This erratum corrects the non-substantive errors in the released text of the CIPA Report and Order issued on April 5, 2001.
- [FILTERING.PDF](#)
Chapter 32 Education Code, Subchapter C, Internet Access
- [CIPA, COPA, COPPA, CPPA Child Online Protections Explained](#)
Information provided by Nonprofits' Policy & Technology (NPT) Project, a project of [OMB Watch](#).