

**THE CHILDREN’S INTERNET PROTECTION ACT (CIPA) AND THE
NEIGHBORHOOD CHILDREN’S INTERNET PROTECTION ACT (N-CIPA)**

WHAT IS THE CHILDREN’S INTERNET PROTECTION ACT?

This spring, Congress enacted the Children’s Internet Protection Act (CIPA), and the Neighborhood Children’s Internet Protection Act (N-CIPA) which attach acceptable use policy and Internet filtering requirements to the use of federal funds and Universal Services discounted rates used to purchase computers to access the Internet and/or to purchase direct Internet access for public libraries and elementary and secondary schools. The legislation includes provisions related to the E-rate program, administered by the Federal Communications Commission (FCC), the Elementary and Secondary Education Act (ESEA), administered by the U.S. Department of Education, and the Library Services & Technology Act (LSTA).

GENERAL REQUIREMENTS

SCHOOL DISTRICTS	LIBRARIES
Any school that receives discounted rates for Internet access, Internet service, or internal connections under the E-rate program, or receives funding through Title III of the ESEA must comply with CIPA.	Any library that receives discounted rates for Internet access, Internet service, or internal connections under the E-rate program, or receives funding through LSTA must comply with CIPA.
Any school that receives discounted rates for Internet access, Internet service, or internal connections under the E-rate program must also comply with N-CIPA.	Any library that receives discounted rates for Internet access, Internet service, or internal connections under the E-rate program must also comply with N-CIPA
CIPA requirements begin with E-rate Program Year 4 (July 1, 2001 – June 30, 2002).	CIPA requirements begin with E-rate Program Year 4 (July 1, 2001 – June 30, 2002).
CIPA requirements impact Technology Literacy Challenge Fund (TLCF) ESEA Title III grants to states beginning in Federal Fiscal Year 2002 (October 1, 2001 – September 30, 2002).	CIPA requirements impact the LSTA program beginning October 1, 2002.
Schools must certify that they are enforcing an Internet Safety Policy. The Internet Safety Policy must include a technology protection measure that protects against Internet access by both adults and minors	Libraries must certify that they are enforcing an Internet Safety Policy. The Internet Safety Policy must include a technology protection measure that protects against Internet access by both

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<p>to visual depictions that are obscene, child pornography, or, with respect to use of the computers by minors, harmful to minors. This Internet Safety Policy must also include monitoring the on-line activities of minors.</p>	<p>adults and minors to visual depictions that are obscene, child pornography, or with respect to use of the computers by minors, harmful to minors.</p>
<p>ALL Internet access must be filtered whether minors or adults are using the computer and regardless of how many computers with Internet access the school provides. CIPA requirements are more stringent for minors than adults, so schools may choose to implement different settings for the filters depending on whether adults or minors are using the computer.</p>	<p>ALL Internet access must be filtered whether minors or adults are using the computer and regardless of how many computers with Internet access the library provides. CIPA requirements are more stringent for minors than adults, so libraries may choose to implement different settings for the filters depending on whether adults or minors are using the computer.</p>
<p>For the E-rate Program, CIPA permits institutions to “disable the technology protection measure concerned, during use by an ADULT, to enable access for bona-fide research or other lawful purpose.”</p>	<p>For the E-rate Program, CIPA permits institutions to “disable the technology protection measure concerned, during use by an ADULT, to enable access for bona-fide research or other lawful purpose</p>
<p>For schools receiving ONLY funding through ESEA Title III, filtering may be disabled to “enable access for bona fide research or other lawful purposes,” but this exception is not limited to adults.</p>	<p>For libraries receiving ONLY LSTA funding, filtering may be disabled to “enable access for bona-fide research or other lawful purposes,” but this exception is not limited to adults.</p>
<p>The Internet Safety Policy must address the following issues:</p> <ul style="list-style-type: none"> A. Access by minors to inappropriate material on the Internet and World Wide Web; 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 on line. D. Unauthorized disclosure, use, and dissemination of personal 	<p>The Internet Safety Policy must address the following issues:</p> <ul style="list-style-type: none"> A. Access by minors to inappropriate material on the Internet and World Wide Web; 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 on-line; D. Unauthorized disclosure, use, and dissemination of personal

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<p>information regarding minors; and E. Measures designed to restrict minors' access to materials harmful to minors.</p> <p>The definition of "inappropriate material" is specifically left to local determination.</p> <p>Schools are required to provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet Safety Policy.</p> <p>The entity responsible for local administration, such as the school board or local educational agency, is responsible for providing notice and conducting the public meeting or hearing. CIPA permits private schools to limit the public meeting to those members of the public with a relationship to the school.</p> <p>Schools will need to certify on Year 4 E-rate Form 486 that they are either in compliance with CIPA or are undertaking actions, including necessary procurement procedures, to comply with the requirements of CIPA by the next funding year.</p> <p>The CIPA requirements do not apply to a school that is only receiving discounts only on telecommunications services (telephone services not involving Internet).</p> <p>A consortium of schools or school districts that applies for E-rates on behalf of member school districts needs to collect E-rate Form 479 from each of their members. Form 479 serves as documentation that the members of consortia are either in compliance with CIPA or are taking steps to do so.</p> <p>Full compliance with CIPA is required in</p>	<p>information regarding minors; and E. Measures designed to restrict minors' access to materials harmful to minors.</p> <p>The definition of "inappropriate material" is specifically left to local determination</p> <p>Libraries are required to provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet Safety Policy.</p> <p>CIPA does not define public notice and hearing in the library context.</p> <p>Libraries will need to certify on Year 4 E-rate Form 486 that they are either in compliance with CIPA or are undertaking actions, including necessary procurement procedures to comply with the requirements of CIPA by the next funding year.</p> <p>The CIPA requirements do not apply to a library that is receiving discounts only on telecommunications services (telephone services not involving Internet).</p> <p>A library consortium that applies for E-rates on behalf of member libraries needs to collect E-rate Form 479 from each of their members. Form 479 serves as documentation that the members of consortia are either in compliance with CIPA or are taking steps to do so.</p> <p>Full compliance with CIPA is required in order to be eligible for E-rate discounts in</p>

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<p>order to be eligible for E-rate discounts in E-rate Program Year 5 (July 1, 2002 – June 30, 2003), unless a school district application for a waiver is successful. In that case, full compliance will be required in E-rate Program Year 6 (July 1, 2003 – June 30, 2004).</p>	<p>E-rate Program Year 5 (July 1, 2002 – June 30, 2003), unless a library application for a waiver is successful. In that case, full compliance will be required in E-rate Program Year 6 (July 1, 2003 – June 30, 2004).</p>
<p>Failure to comply with CIPA renders a school, school district, or consortium ineligible for discount services under the E-rates program.</p>	<p>Failure to comply with CIPA renders a library or library consortium ineligible for discount services under the E-rates program.</p>
<p>If a school, school district, or consortium is found to be in violation of CIPA, any E-rate discounts received may have to be repaid.</p>	<p>If a library or library consortium is found to be in violation of CIPA, any E-rate discounts received may have to be repaid.</p>
<p>Internet filtering is not eligible for E-rate discounts. Funds under Title VI of ESEA may be used for the purchase or acquisition of “technology protection measures.” See Schools & Libraries Division “Eligible Services List” for the most recent rulings on this issue.</p>	<p>Internet filtering is not eligible for E-rate discounts. Funds under LSTA may be used for the purchase or acquisition of “technology protection measures.” See Schools & Libraries Division “Eligible Services List” for the most recent rulings on this issue.</p>

TIMELINES AND REQUIREMENTS ESTABLISHED BY THE FCC AND SCHOOLS & LIBRARIES DIVISION FOR CIPA COMPLIANCE WITH THE E-RATE PROGRAM

- CIPA requirements begin with E-rate Program Year 4, which starts on July 1, 2001.
- Recipients of service must have undertaken action towards compliance with CIPA by the Service Start Date for Year 4. The Service Start Date for many recipients is July 1, 2001.
- Examples of action that meet the “must have taken action towards compliance with CIPA requirement” include:
 - 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 Acceptable 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.
- Certification with CIPA or intent to comply with CIPA must be completed on the E-rate Form 486 no later than October 27, 2001. (NOTE: The SLD has stated October 28, 2001, but that is a Sunday, and any Form 486 postmarked on Monday, October 29, will be considered as having missed the deadline.) Please note, however, that E-rate funds will not begin to flow until the certification is completed.
 - Consortia organizations that apply for E-rates on behalf of their members and are the BILLED ENTITIES for those services must collect E-rate Form 479 from each of their members. The Form 479 serves as documentation for the consortium that the members represented on the E-rate application are in compliance with, or certify they are taking actions to be in compliance with CIPA. These forms must be submitted to the consortium by its members prior to the consortium signing the CIPA certification on E-rate Form 486.
 - Schools and libraries are expected to be fully compliant with CIPA to be eligible for E-rate discounts in Program Year 5, unless they have applied successfully to receive a waiver.
 - Schools and libraries must be fully compliant with CIPA to be eligible for E-rate discounts in Program Year 6. No further waivers will be issued.

RELATIONSHIP OF E-RATE TO STATE TELECOMMUNICATIONS ACCESS REVENUE PROGRAM AND REGIONAL LIBRARY TELECOMMUNICATIONS AID

Both the Telecommunications Access Revenue Program (TARP) and the Regional Library Telecommunications Aid Program (RLTA) contain requirements that school districts and libraries apply for E-rate discounts on those eligible services funded through either TARP or RLTA. For further information on TARP, contact Mary Mehsikomer at (651) 582-8827 or via e-mail at mary.mehsikomer@state.mn.us or for RLTA contact Nancy Walton at (651) 582-8722 or via e-mail at nancy.walton@state.mn.us.

STATE STATUTES RELATING TO INTERNET FILTERING

Minnesota Statutes 125B.15 require a school to restrict, including through the use of available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law.

A school district is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase.

A school district must be in compliance with this statute to receive Telecommunications Access Revenue.

Minnesota Statutes 134.50 requires libraries to restrict, including through the use of available software filtering technology or other effective methods, all access by children to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law.

The library is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase.

A library receiving state funds must be in compliance with this statute.

In the case of both schools and libraries, the statute holds the institution and its employees immune from liability for failure to comply with this section if they have made a good faith effort to comply with the requirements.

INFORMATION RESOURCES

For more information on the Children's Internet Protection Act, (CIPA), please visit:

Library Development & Services (LDS)
<http://cfl.state.mn.us/library/internet/html>

The LDS web page has a web site focusing on issues related to Internet use in schools and public libraries. A "Survey of Internet use Policies and Filtering in Minnesota's Public Libraries" is updated periodically.

American Library Association
<http://www.ala.org>

The American Library Association web site contains guidance on CIPA and a link to the CIPA law.

Universal Service Administrative Company (USAC) Schools & Libraries Division (SLD)
<http://www.sl.universalservice.org>

The SLD is the organization responsible for administering the federal E-rates program and will be providing guidance on compliance with CIPA as it relates to E-rates.

Federal Communications Commission (FCC)
<http://www.fcc.gov>

The FCC has oversight authority for the Universal Service Fund programs, including E-rates and is the government agency responsible for the rulemaking processes associated with CIPA compliance related to E-rates.

The Consortium for School Networking (CoSN)
<http://www.cosn.org>

CoSN is a public policy advocacy group focused on school technology issues that is based in Washington.

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