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Schools and Libraries News Brief

May 5, 2006

Commitments for Funding Years 2006 and 2005

Funding Year 2006. USAC will release FY2006 Wave 3 funding commitment decision letters (FCDLs) May 9. As of May 5, FY2006 commitments total over $159 million for approved Priority 1 requests (Telecommunications Services and Internet Access).

Funding Year 2005. USAC will release FY2005 Wave 4 7 FCDLs May 10. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 86% and above. As of May 5, FY2005 commitments total over $1.63 billion.

USAC will continue to issue weekly funding commitment waves for both FY2006 and FY2005. The commitments in funding waves are available on USAC's website the same afternoon that the FCDLs are dated and mailed. You can check to see if you have a commitment in either funding year by using USAC's Automated Search of Commitments tool.

Complying with the Children's Internet Protection Act

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. In general, CIPA requires schools and libraries receiving discounts on Internet Access, Internal Connections and/or Basic Maintenance services to certify that they are enforcing a policy of Internet safety that includes measures to block or filter Internet access for both minors and adults to certain visual depictions.

To receive discounted services, your school or library authority must certify that:

- You are in compliance with CIPA, or
- You are undertaking actions to comply with CIPA, or
- CIPA does not apply because you are receiving discounts for Telecommunications Services only.

What are the requirements of CIPA?

Technology protection measure (filter). To be in compliance with CIPA, schools and libraries must have a technology protection measure. This is a specific technology, such as a filter, that blocks or filters certain Internet material. It must protect against access to child pornography, visual depictions that are obscene, or - when Internet access is used by minors - material that may be harmful to minors. It may be disabled for adults engaged in bona fide research or other lawful purposes. For schools, the policy must also include monitoring the online activities of minors. The requirement to filter applies to all school or library computers that receive discounted services, regardless of whether they serve children or adults, members of the public or just staff.

Internet safety policy. Schools and libraries also must have an Internet safety policy. The policy must address the following issues:

- Access by minors to inappropriate matter on the Internet and World Wide Web
- The safety and security of minors when using electronic mail, chat rooms, and other forms of 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 material harmful to minors

Reasonable public notice and public hearing. Your proposed Internet safety policy, including the technology protection measure, must be addressed at a public hearing for which you provide reasonable public notice. For private schools, the notice can be provided to the constituent community rather than the public at large.

What is the timetable for compliance with CIPA?

Beginning with Funding Year 2001, your First Funding Year for purposes of CIPA is the first year in which the following events occur:

- You apply for funding for discounted services in the categories of Internet Access, Internal Connections, and/or Basic Maintenance.
- USAC funds one or more of those funding requests (i.e., USAC makes a positive commitment on one or more of the Funding Request Numbers (FRNs) associated with your funding requests).
- You successfully file a Form 486 for one or more of the funded FRNs.

In your First Funding Year, you can be undertaking actions to comply with CIPA.

Your Second Funding Year for purposes of CIPA is always the funding year following your First Funding Year, even if you apply for Telecommunications Services only or if you don't apply at all. In general, you must be in compliance with CIPA at the beginning of your Second Funding Year. You can request a waiver of CIPA requirements for your Second Funding Year, but you must be prevented from certifying compliance because of state or local procurement rules or regulations or competitive bidding requirements. You cannot request a waiver simply because you aren't yet in compliance.

You must be in compliance with CIPA at the beginning of your Third Funding Year. No waivers, no exceptions.

Remember, though, that CIPA does not apply to Telecommunications Services, so you can continue to apply for and receive discounted services in this category of service even if you are not in compliance with CIPA.

What does "undertaking actions" mean?

Schools and libraries should document that they are moving toward compliance - undertaking actions to comply with CIPA - in their First Funding Year. You should retain any such documents - school or library board agendas with CIPA as an agenda item, service provider quotes for filtering software, minutes of meeting where an acceptable use policy for Internet was discussed, etc. - as part of your records. You can find examples of documents that help demonstrate that a school or library is undertaking actions to comply with CIPA in the "Documentation for 'Undertaking Actions'" section of the CIPA guidance on the USAC website.

Schools and libraries should be prepared to take all necessary measures to be in full compliance with CIPA by the start of discounted services in their Second Funding Year.

What common problems do applicants have with CIPA compliance?

One of the most common problems USAC has encountered in its reviews of CIPA compliance involves the methods that applicants use to install filtering technology for Internet access. For example, if the filtering technology is installed at the server level in a school or library, it is likely that the technology protection measure requirement as described above has been met. However, if the filtering technology is installed only at the individual computer level, the school or library has not met the technology protection measure requirement until every computer has the technology installed. This is also true if the filtering software is installed on computers with student or patron access but not on computers used exclusively by school or library staff.

Remember, however, that the filtering technology can be disabled for adults engaged in bona fide research or other lawful purposes.

If some school or library computers are not using filtered Internet access, the school or library is not in compliance with CIPA and funding may be denied for the period that the school or library is not in compliance.

For specific information and guidance on CIPA, please refer to the *Form 486 (Receipt of Service Confirmation Form)*, the Form 486 Instructions, and Applicant Step 10, Children's Internet Protection Act in the Reference Area.

Tip: Do You Need to File Form 479?

If you are both the Billed Entity and the administrative authority for your school or library, you will make your CIPA certification on Form 486. However, if you are the administrative authority but not the Billed Entity, you will make your CIPA certification on Form 479 (*Certification of Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act*). You would file this form with your Billed Entity, which can make the appropriate CIPA certification on its Form 486.

This situation occurs most frequently when your school or library is a member of a consortium that applies for discounted services on your behalf. There are, however, other situations where you may file a Form 479. For example, if your town government is the Billed Entity for your library and files applications on your behalf, you would file a Form 479 with your town government.

Now that USAC is issuing funding commitments for FY2006, Billed Entities that are eligible to file Form 486 early may wish to do so. However, if Form 479 is required, Billed Entities cannot file Form 486 until they have collected the appropriate Forms 479. If you are not the Billed Entity, please respond promptly to your Billed Entity's request for a completed Form 479.

Do not file Form 479 with USAC or the FCC. It must be filed with your Billed Entity. For more information on Form 479, please refer to the Form 479 Instructions.

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