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## Schools and Libraries News Brief

June 5, 2009

**TIP OF THE WEEK:** Start gathering your documentation for FY2008 recurring services received so that you can complete FY2008 invoices (BEAR Forms for applicants and SPI Forms for service providers) promptly. June 30, 2009 is the last day to receive FY2008 recurring services and October 28, 2009 is the last day to invoice USAC for those services.

### Commitments for Funding Years 2009 and 2008

**Funding Year 2009.** USAC will release FY2009 Wave 7 Funding Commitment Decision Letters (FCDLs) June 9. This wave will include commitments for approved Priority 1 requests (Telecommunications Services and Internet Access) for schools and libraries at all discount levels. As of June 5, FY2009 commitments total just under \$350 million.

**Funding Year 2008.** USAC will release FY2008 Wave 55 FCDLs June 10. This wave will include commitments for approved Internal Connections and Basic Maintenance requests at 88% and above and denials at 86% and below. As of June 5, FY2008 commitments total over \$2.28 billion.

On the day the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

### Reminders on CIPA Compliance

In general, the Children's Internet Protection Act (CIPA) requires schools and libraries receiving discounts on Internet Access, Internal Connections, and/or Basic Maintenance of Internal Connections 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.

In the last few rounds of audits, auditors have observed a number of instances where applicants are not in compliance with CIPA or cannot successfully document their compliance with CIPA. We are providing the high-level summary of the requirements of CIPA below to assist applicants with both compliance and documentation.

Note that it is possible that the program rules concerning CIPA may change in the future as the FCC moves to incorporate the requirements for the Protecting Children in the 21st Century Act. Until the FCC issues guidance on the implementation of that legislation, however, the current rules remain in effect.

### CIPA certifications (Form 486 or Form 479)

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.

There are three basic requirements for CIPA: a Technology Protection Measure, an Internet Safety Policy, and a reasonable public notice and public hearing on the policy.

#### - 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.

### **- Internet Safety Policy**

Schools and libraries also must have an Internet Safety Policy. For schools, the policy must include monitoring the online activities of minors. 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 communication
- 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 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 or parochial schools, the notice can be provided to the constituent community rather than the public at large.

### **Timetable for compliance with CIPA**

Funding Year 2001 was the first year that CIPA became effective. For the purposes of CIPA, your First Funding Year is the first year on or after FY2001 in which **ALL** of the following events occur:

- You apply for funding for discounted services in the categories of Internet Access, Internal Connections, and/or Basic Maintenance of Internal Connections.
- USAC funds one or more of those funding requests – i.e., USAC makes a positive commitment on one or more of the 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. If you are unfamiliar with CIPA or you want more information on this topic, refer to the "Documentation for 'Undertaking Actions'" section of the [website guidance on 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. The only exception is if you are prevented from certifying compliance because of state or local procurement rules or regulations or competitive bidding requirements. In this case you can request a waiver for your Second Funding Year on Form 486, Item 6b or 6c, or Form 479, Item 6d or 6e. You cannot request a waiver simply because you aren't yet in compliance or for other reasons.

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

### **Documentation**

You should keep documentation of your compliance with CIPA as part of your program documentation. Your documentation should demonstrate or include the following:

- **Evidence of a public notice and hearing.** Examples of appropriate documentation include newspaper announcements of the notice and hearing, a School Board letter or agenda referencing the event, or School Board meeting minutes.
- **Existence of an Internet Safety Policy.** Note that your policy must address the five issues listed above and – for schools – include monitoring the online activities of minors.
- **Proof that a Technology Protection Measure (filter) is in place.** Examples of appropriate documentation include an invoice from a service provider showing charges for Internet filtering services, a work order showing when the filter was installed or will be installed, or a system report detailing various websites or inappropriate activity that has been filtered.

For specific information and guidance on CIPA, refer to the [Form 486, Receipt of Service Confirmation Form](#), the [Form 486 Instructions](#), [Form 479, Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act](#), the [Form 479 Instructions](#), and [Applicant Step 10, Children's Internet Protection Act](#).

#### **Reminder on Draft FY2010 Eligible Services List**

The FCC has released a [Public Notice \(DA 09-1233\)](#) establishing the comment period for the Funding Year 2010 Eligible Services List (ESL). A copy of the draft FY2010 ESL with the changes noted is attached to the Public Notice.

If you would like to comment on the list, note that comments are due to the FCC on or before June 23, 2009 and reply comments are due to the FCC on or before June 30, 2009. For information on filing comments with the FCC, please refer to the Public Notice.

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