



# Children's Internet Protection Act (CIPA)

July 8, 2004

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**CIPA and N-CIPA:** The Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (N-CIPA) passed Congress in December of 2000.

## Requirements for Public and Private Schools

The Children's Internet Protection Act (CIPA) requires filtering, an Internet Safety Policy and a public meeting to discuss the policy for schools that receive E-rate and ESEA Title IID funds for Internet access or internal connections. The Neighborhood Children's Internet Protection Act (N-CIPA) specifies what has to be included in an Internet safety policy.

## Requirements for Public Libraries

### Impact of the Supreme Court's Decision on Library Compliance with CIPA's Filtering Requirement

On June 23, 2003, the Supreme Court ruled that the filtering requirement in CIPA is constitutional for public libraries. This decision means that any public library using E-rate funds for purposes outlined in this document will need to comply with CIPA's filtering requirement by July 1, 2004.

Note: Schools were not part of the CIPA law suit. Most schools needed to comply with the law's filtering requirement as of July 1, 2002.

## I. About CIPA

**Q: Under what circumstances does my school or library have to comply with CIPA?**

A: Your school or library will have to comply with CIPA when using any of the three federal programs below for the purposes listed.

**Q: What are the basic requirements of CIPA?**

A: There are **three** basic requirements for schools and libraries that applicants must meet to meet. The requirements are:

1. The **school or library** must use blocking or filtering technology on all computers with Internet access. The blocking or filtering must protect against access to visual depictions that are obscenity, child pornography, and materials harmful to minors.
2. The **school or library** must adopt and implement an Internet safety policy that addresses the following items specified in NCIPA:
  1. Access by minors to inappropriate matter on the Internet and the Web;
  2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
  3. Unauthorized access, including so-called “hacking,” and other unlawful activities by minors online;
  4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
  5. Measures designed to restrict minors’ access to materials harmful to minors.

Program	CIPA Compliance Needed	CIPA Compliance Does Not Apply
E-rate	When getting discounts for <ul style="list-style-type: none"><li>• internal connections</li><li>• Internet access</li></ul>	When getting discounts for <ul style="list-style-type: none"><li>• telecommunications services (voice or data)</li></ul>
ESEA Title IID (Ed Tech) and LSTA	When using funds for <ul style="list-style-type: none"><li>• purchasing computers that access the Internet</li><li>• paying for Internet access</li></ul>	When using funds for <ul style="list-style-type: none"><li>• any other purposes allowed by the program and state program guidelines</li></ul>

3. The **school** or **library** must hold a public meeting to discuss the Internet safety policy. Additional information on this requirement is available in the Public Meeting on the Internet Safety Policy section below.

**Q. When do CIPA requirements become effective?**

A. Schools and public libraries have one E-rate Program Year to become compliant. During the first year of request and receipt of E-rate discounts, a school or library may certify that they are undertaking actions to become compliant. They are then required to be compliant when receiving discounts in the next E-rate Program Year.

The above requirement applied to public schools on July 1, 2003, and applies to public libraries on July 1, 2004.

## **1. Technology Protection Measure (Filtering)**

**Q: Which computers have to be filtered?**

A: The law states that all computer workstations that can access the Internet must have some type of blocking or filtering technology in place. This includes student, staff, patron and administrative workstations.

**Q: Does the filter have to be active at all times for everyone?**

A: An administrator, supervisor, or other authorized person may disable the filter to allow Internet access for lawful purposes. Disabling of filters, both technically and policy, is a local decision. Under the E-rate section of CIPA, the disabling provision applies only to adults. There is no provision in the E-rate language that allows unfiltered access by minors for any purpose.

**Q: What has to be filtered?**

A: The law requires filtering of visual depictions of obscenity, child pornography, and materials harmful to minors. The law does not require the filtering of text like, chat or e-mail messages, only images.

**Q: How effective do the filters have to be?**

A: It is important to note that the law states that filters must protect against visual depictions outlawed by the legislation. The filter does not have to prevent access to all such depictions. (No filter is 100 percent effective.) There is no FCC certified “CIPA compliant filter.” It is completely up to the school to determine what type of blocking or filtering technology will be used.

## **2. Internet Safety Policy**

**Q: Can we use our already adopted Acceptable Use Policy (AUP) as the CIPA Internet safety policy?**

A: You can use your current AUP if it meets all the requirements as stated in the legislation. If, after reviewing your AUP, you determine that it does not meet the law’s requirements, then you will have to revise it so that it is in compliance.

**Q: What must be included in our AUP to be in compliance with the law?**

A: The CIPA section of the law says that a school or library must have an Internet safety policy in place and N-CIPA requires that schools and libraries participating in the E-Rate program adopt and implement an Internet safety policy that addresses the five issues listed in the Basic Requirements of CIPA question, item 2.

This policy must include the use of filters to protect against the access to the visual depictions outlawed in the act. The school’s Internet policy must also indicate how it plans to monitor the Internet activities of minors. Monitoring the Internet activities of minors only needs to be in the policy. There does not need to be a filtering technology to do this. Note: The law and FCC rules do not require the actual tracking of Internet use by minors or adults.

## **3. Public meeting on the Internet Safety Policy**

**Q: Can a regular meeting of the school or library board be used as the “public meeting” required by CIPA?**

A: The law and the regulations give schools and libraries considerable flexibility in meeting the public hearing mandate. Schools or libraries must “provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.” The public hearing can be held in conjunction with a

regular board meeting. Notices of such a meeting must comport with the state's open meetings law. Any notice should clearly state that there will be a time for public comments regarding the Internet policy. Another option is to have a wholly separate meeting where comments from the public are taken. Be certain to document fully any such public meeting by keeping a copy of the notice, any minutes of the meeting, any actions taken, etc.

## **II. Certifications**

**Q: How do we certify that we are meeting the CIPA requirements as a participant in the DESE or REAL Programs?**

A: Each school or library that receives an Internet connection through MOREnet completes the E-rate Form 479 to certify compliance with CIPA/NCIPA. The Form 479 is submitted annually to MOREnet, NOT the SLD.

**Q: How does a school or library certify that they are meeting the CIPA requirements based on a Funding Commitment Decision Letter received by a School or Library?**

A: The E-rate Form 486 allows applicants to make the proper certification statement. There are three certification options on the Form 486 and applicants will have to select the option that describes their state of compliance. The three options summarized are:

- Option 1: The school or library is in compliance with the CIPA requirements;
- Option 2: The school or library has not yet completed all requirements but is undertaking actions to do so by the start of services; or
- Option 3: CIPA requirements do not apply because the school or library receives discounts for telecommunications only.

Option 2 is only applicable for the first year an organization receives Discounts.

**Q: What is the difference between the 479 and 486?**

A: Schools and libraries that receive funding for internal connections and Internet access on behalf of their school or library AND receive their Internet connection through MOREnet must submit the Form 486 and the Form 479 to certify compliance with CIPA. The Form 486 is for a school or libraries own E-rate discounts. The 479 is for MOREnet's application on behalf of DESE and the Missouri State Library for the Internet connections at participating schools and libraries.

### **III. CIPA Compliance Requirements for K-12 TNP and REAL Program Participants**

**Q: What if I do not want to be CIPA compliant, but participate in the K-12 TNP or REAL program?**

A: Any public schools that are not compliant and/or fail to submit a Form 479 to MOREnet will be billed for the portion of discount lost for Internet access each year.

If discounts are incorrectly awarded to a non-compliant organization, the organization, not the service provider, will be responsible for reimbursement.

**Q: What will be needed for compliance next year?**

A: A statement of compliance will need to be made every year via the Form 486.

If you need more information, Missouri school and library staff can contact Jeanne Sullivan with MOREnet at [jeanne@more.net](mailto:jeanne@more.net) or (800) 509-6673.

Portions of this brochure are based on the document provided by State of Wisconsin, Department of Public Instruction. It has been edited to reflect the unique needs of Missouri schools and libraries. It is recommended that you read this document for additional information on CIPA. It is available at <http://www.dpi.state.wi.us/dltcl/pld/cipafaq.html>.

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