

**Children's Internet Protection Act (CIPA) and Form 486  
Frequently Asked Questions (FAQs)  
July 26, 2001  
Prepared by the SLD**

**Introduction**

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. In order to receive discounts for Internet Access and Internal Connections services under the universal services support mechanism, 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 to certain visual depictions. The relevant authority with responsibility for administration of the E-rate eligible school or library must certify the status of its compliance for the purpose of CIPA in order to receive E-rate discounts.

In general, for Funding Year 2001 (the Funding Year beginning July 1, 2001) and all funding years thereafter, school and library authorities must certify by October 28, either that they have complied with the requirements of CIPA; that they are undertaking actions, including any necessary procurement procedures, to comply with the requirements of CIPA; or that CIPA does not apply to them because they are receiving discounts for Telecommunications Services only.

**Q1. Who must make the certifications for the purpose of CIPA?**

For the purpose of CIPA, certifications for schools eligible for E-rate discounts may be made by the relevant school, school board, local educational agency, or other authority with responsibility for administration of the school (the Administrative Authority). For the purpose of CIPA, certifications for libraries eligible for E-rate discounts may be made by the relevant library, library board, or other authority with responsibility for administration of the library (the Administrative Authority).

**Q2. Which FCC Form do Administrative Authorities for schools and libraries use to make certification(s) for the purpose of CIPA?**

For the purpose of CIPA, certifications are made either on FCC Form 479 or FCC Form 486 depending on whether the Administrative Authority is also the Billed Entity:

- If the Administrative Authority is also the Billed Entity, the certification is made on the Form 486.
- If the Administrative Authority is not the Billed Entity, the Administrative Authority must complete FCC Form 479 and submit the Form 479 to the Billed Entity. The Billed Entity then certifies on Form 486 that it has collected duly completed and signed Form(s) 479 for the Administrative Authority(ies) it represents. For example, a member of a consortium would submit a Form 479 to the Billed Entity, which would in turn submit a Form 486 to SLD.

**Q3. If a state network provides a Technology Protection Measure, can the state network make the certification(s) for the purpose of CIPA?**

No. The certification(s) must be made by the authority responsible for the administration of the school or library.

**Q4. If I am the Billed Entity and I applied only for Telecommunications Services, do I need to collect Forms 479 from the Administrative Authorities I represent?**

No.

**Q5. If I am the Administrative Authority and my Billed Entity applied only for Telecommunications Services, do I need to fill out Form 479?**

No.

**Q6. If I am the Administrative Authority and my Billed Entity applied for services in addition to Telecommunications Services, do I need to submit Form 479 to my Billed Entity if my school or library is receiving only Telecommunications Services?**

Yes.

**Q7. Please explain the rationale behind the answers to questions 4, 5 and 6.**

When a Billed Entity has been approved only for Telecommunications Services, it has the information it needs to accurately certify on its Form 486 that the requirements of CIPA do not apply; therefore, the Billed Entity is not required to collect Form 479 from the Administrative Authorities it represents. However, when the Billed Entity has been approved for Telecommunications Services and one or more other categories of service, the Administrative Authorities must inform their Billed Entity of the status of their compliance for the purpose of CIPA so that the Billed Entity can make the accurate certification on Form 486.

**Q8. For what Funding Year are the Administrative Authorities for schools and libraries required to make certifications for the purpose of CIPA in order for you to receive E-rate discounts?**

CIPA provides that, in order to receive E-rate discounts, certifications must be made with respect to the first program Funding Year following the April 20, 2001 effective date of CIPA. Funding Year 2001 of the Schools and Libraries universal support mechanism, which begins on July 1, 2001, is the first program year after that effective date. Therefore, the Administrative Authority is required to certify the status of compliance for your school or library as of the date of the start of discounted services in Funding Year 2001 and later Funding Years in order for you to receive E-rate discounts.

Certifications for the purpose of CIPA are not required prior to Funding Year 2001.

**Q9. In what Funding Year(s) can I certify that I am "undertaking actions" to comply with CIPA and still receive E-rate discounts?**

CIPA provides that, in your First Funding Year following the effective date of CIPA (April 20, 2001) in which you are "applying" for funds, you need not be fully compliant with CIPA's requirements, but can certify that you are undertaking actions to be in compliance for the next Funding Year. You may also make this certification in your Second Funding Year for purposes of CIPA if you seek a waiver due to state or local procurement rules or regulations or competitive bidding requirements. You therefore need to determine YOUR "First," "Second," and "Third" Funding Years **after the effective date of CIPA (April 20, 2001) in which your school or library is "applying" for funds** AND you must also understand what "applying" for funds means in this context.

**Applying for funds.** For the purpose of CIPA requirements, a school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when a Receipt of Service Confirmation Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered into the SLD system.

**Determination of Your First Funding Year for Purposes of CIPA.** The first Funding Year after the effective date of CIPA (April 20, 2001) in which your school or library is "applying" for funds (i.e., in which a Form 486 is successfully data entered) for Internet Access or Internal Connections is the **First Funding Year** for the purpose of CIPA. Once your First Funding Year is established, the next two funding years will be your second and third funding years for the purpose of CIPA. (See **Applying for Funds** above.) In the First Funding Year, the applicant must be in compliance with CIPA or undertaking actions to comply with CIPA, in order to receive discounts for Internet Access or Internal Connections services.

Once the First Funding Year is established, the Funding Year immediately following the First Funding Year becomes the **Second Funding Year** for purposes of CIPA.

If the school or library "applies" for funds for Internet Access or Internal Connections in the Second Funding Year, its Administrative Authority must certify compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification. If, in the Second Funding Year, the Administrative Authority for the school or library is unable to make the certification otherwise required due to state or local procurement rules or regulations or competitive bidding requirements, the Administrative Authority must submit a CIPA waiver on FCC Form 486 Item 6C or FCC Form 479 Item 6d, as appropriate. The Administrative Authority must also certify that the affected schools or libraries will be brought into compliance with the CIPA requirements before the start of the Third Funding Year after the effective date of CIPA (April 20, 2001) in which they apply for discounts. **When the waiver box in Item 6C on FCC Form 486 or Item 6d on FCC Form 479 is checked for the Second Funding Year after the effective date, the Administrative Authority should certify for that Second Funding Year that the schools or libraries under its administrative authority are "undertaking actions" to comply with CIPA for the next Funding Year.**

The **Third Funding Year** for purposes of CIPA is the Funding Year immediately following the Second Funding Year. If the school or library "applies" for funds for Internet Access or Internal Connections in the Third Funding Year, it must be in compliance with CIPA.

The school or library must be in compliance with CIPA for any Funding Year thereafter.

**Q10. If the Billed Entity receives a Funding Commitment for Internet Access or Internal Connections but takes no further action, would that situation constitute the Administrative Authority's First Funding Year for the purpose of CIPA?**

No. A school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered. Since the Form 486 was not successfully data entered in this situation, the Administrative Authority's First Funding Year was NOT established for the purpose of CIPA.

**Q11. If the Billed Entity receives a Funding Commitment for Internet Access or Internal Connections, submits Form 486, but the Form 486 is not successfully data entered, would that situation constitute the Administrative Authority's First Funding Year for the purpose of CIPA?**

No. A school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered. Since the Form 486 was not successfully data entered in this situation, the Administrative Authority's First Funding Year was NOT established for the purpose of CIPA.

**Q12. If the Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Billed Entity cancels all of its Funding Requests on a Form 500, would that situation constitute the Administrative Authority's First Funding Year for the purpose of CIPA?**

Yes. A school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered. Therefore, the Administrative Authority's First Funding Year was established for the purpose of CIPA.

**Q13. If the Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Service Provider does not receive a corresponding disbursement, would that situation constitute the Administrative Authority's First Funding Year for the purpose of CIPA?**

Yes. A school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered. Therefore, the Administrative Authority's First Funding Year was established for the purpose of CIPA.

**Q14. If the Billed Entity "applies" only for Telecommunications Services, would that situation constitute the Administrative Authority's First Funding Year for the purpose of CIPA?**

No. A school or library who is a recipient of service is considered to have "applied" for funds in a Funding Year only when Form 486 for a Funding Request for **Internet Access** or **Internal Connections** has been successfully data entered. Since the Billed Entity "applied" only for Telecommunications Services in this situation, the Administrative Authority's First Funding Year was NOT established by the Funding Request in THIS Form 486.

However, if a school or library is represented in a Funding Request for Internet Access or Internal Connections in another Form 486 which has been successfully data entered, the Administrative Authority's First Funding Year WOULD be established for the purpose of CIPA. Schools and libraries receiving E-rate discounts ONLY for Telecommunications Services in a Funding Year are not subject to CIPA requirements.

**Q15. Once my First Funding Year is established, what happens if I don't seek E-rate discounts in the Funding Year after my First Funding Year?**

Once your First Funding Year is established, your Second Funding Year is the Funding Year following your First Funding Year even if you don't seek E-rate discounts for that Second Funding Year.

**Q16. Once my First Funding Year is established, what happens if I seek E-rate discounts only for Telecommunications Services in the Funding Year after my First Funding Year?**

Once your First Funding Year is established, your Second Funding Year is the Funding Year following your First Funding Year even if you seek E-rate discounts only for Telecommunications Services which are not subject to CIPA requirements.

**Q20. If an administrative building is an eligible entity requesting eligible services that meet the educational purpose definition, do the certification(s) for the purpose of CIPA apply to the eligible services received by the administrative building?**

Yes. If any eligible entity is receiving E-rate discounts for Internet Access or Internal Connections, the appropriate certification(s) must be made for the purpose of CIPA.

If, however, an applicant is not requesting E-rate discounts, CIPA does not apply.

**Q21. If an entity is receiving discounts for Internet Access or Internal Connections at eligible schools or libraries but is not receiving discounts for services delivered to administration buildings, do certifications for the purpose of CIPA apply to the administration buildings?**

No. Certifications for the purpose of CIPA are only made for the recipients of service represented in FRNs submitted on FCC Form 486.

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## **Children's Internet Protection Act Requirements (Undertaking Actions)**

**If Funding Year 2001 applicants intend to certify on their Form 486 that they are undertaking actions in Funding Year 2001 to comply with the requirements of CIPA by Funding Year 2002, what should they do now?**

### **Overview of CIPA**

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. Under CIPA, no school or library may receive discounts unless it certifies that it is enforcing a policy of Internet safety that includes the use of filtering or blocking technology (see below). This Internet Safety Policy must protect against access, through computers with Internet access, to visual depictions that are obscene, child pornography, or (in the case of use by minors) harmful to minors. The school or library must also certify that it is enforcing the operation of such filtering or blocking technology during any use of such computers by minors. The law is effective for Funding Year 2001 (07/01/2001 to 06/30/2002) and for all future years. Schools and libraries receiving only Telecommunications Services are excluded from the requirements of CIPA.

For the first Funding Year (Funding Year 2001 for Year 2001 applicants), applicants must certify on their Form 486 either that they are in compliance with CIPA, or that they are undertaking actions to put into place an Internet Safety Policy and to procure the filtering or blocking technology. For the second year (for most applicants, Funding Year 2002), they must certify on their Form 486 that they are in compliance with CIPA in order to receive universal service discounts. However, if state or local procurement rules or regulations or competitive bidding requirements prevent the making of the required CIPA certifications, applicants may seek a waiver and provide notification that they will be in compliance before the start of the third Funding Year (for most applicants, Funding Year 2003.) In general, local communities are responsible for determining what constitutes prohibited material and appropriate actions by schools and libraries.

### **Appropriate certification for "undertaking actions"**

Here is the appropriate certification for "undertaking actions" from the FCC Order released April 5, 2001:

I certify that, as of the date of the start of discounted services, ... pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), 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.

Note that the certification applies to the start date of discounted services. This language allows the Billed Entity to certify on or before October 28, 2001, that this certification applies back to a Service Start Date as early as July 1, 2001, the first day of Funding Year 2001. It also means that recipients of service must have undertaken action toward compliance with CIPA by the Service Start Date.

Note that actions undertaken to comply with CIPA must occur on or before the start of services. For services starting on July 1, 2001, the first day in Funding Year 4, such an action must have occurred on or before that date in order for discounts to be paid back to that date. The certification of "undertaking actions" must be made on a Form 486 by October 28, 2001 for services starting on or before October 28, 2001.

## **Compliance with the requirements of CIPA**

"Undertaking such actions" refers to actions related to implementation of the CIPA requirements that should be in place for Year 2002. These requirements are:

### **1. Technology Protection Measure**

A Technology Protection Measure is a specific technology that blocks or filters Internet access. It must protect against access by adults and minors to visual depictions that are obscene, child pornography, or - with respect to use of computers with Internet access by minors - 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.

### **2. Internet Safety Policy**

The Internet Safety Policy must address the following issues:

- a. access by minors to inappropriate matter 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 online;
- d. unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- e. measures designed to restrict minors' access to materials harmful to minors.

### **3. Public Notice and Hearing**

The authority with responsibility for administration of the school or library must provide reasonable public notice and hold at least one public hearing to address a proposed Technology Protection Measure and Internet Safety Policy.

## **Documentation for "undertaking actions"**

For a school or library to be able to make the certification quoted above, it must be able to demonstrate that action was taken by the start of services for Funding Year 2001. 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. Note that if a school or library 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 all the requirements listed above, that school or library has complied with the public notice and hearing requirements of CIPA. If a school or library has not met those conditions, the statute requires that the school or library provide the required notice, and hearing or meeting.

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 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.

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.

Although such steps constitute examples of actions undertaken in order to be able to make the necessary certification in Funding Year 2001, schools and libraries should be prepared to take all subsequent measures, so that by the start of services in Funding Year 2002, they will be in full compliance (unless they obtain a waiver). Although applicants may withdraw their requests for discounts in Funding Year 2002, or at any time, for any reason, applicants that expect to receive discounts for Funding Year 2002, and subsequently, should ensure that they are in full compliance by the start of services in that year.