



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-1836

Released: November 14, 2012

WIRELINE COMPETITION BUREAU PROVIDES GUIDANCE FOR SCHOOLS IMPLEMENTING THE PROTECTING CHILDREN IN THE 21ST CENTURY ACT

CC Docket No. 02-6, GN Docket No. 09-51

In the *2011 CIPA Report and Order*,¹ the Federal Communications Commission (FCC or Commission) added to its rules statutory language from the Protecting Children in the 21st Century Act requiring schools (but not libraries) that accept E-rate funds to certify that their Internet safety policies provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.² The Commission required schools to comply with the new requirements by July 1, 2012.³ To provide further guidance to E-rate program school participants, we release this public notice in response to frequently asked questions.

¹ *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Report and Order, 26 FCC Rcd 11819 (2011) (*2011 CIPA Report and Order*); 47 C.F.R. § 54.520(c)(1)(i).

² The E-rate program is more formally known as the schools and libraries universal service support mechanism. The Protecting Children in the 21st Century Act amended the Children's Internet Protection Act (CIPA), which itself amended section 254 of the Communications Act by adding a subsection (1) at the end of section 254. CIPA prohibits schools and libraries from receiving E-rate funding unless they comply with the statute's requirements to certify their compliance with and enforce specified Internet safety requirements. See 47 U.S.C. § 254(h)(5), 254(h)(6) and 254(l). See also *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182 (2001).

³ *2011 CIPA Report and Order*, 26 FCC Rcd at 11834, App. A.

Schools and Libraries 2011 CIPA Report and Order
Frequently Asked Questions

Q1: What should schools include in their Internet safety policies, and what documents should schools retain to demonstrate compliance with the requirement to educate minors about appropriate online behavior?

A: It is sufficient for a school's Internet safety policy to specify that the school educates its students about appropriate online behavior. A school is not required to provide details about the curriculum, trainings or other educational programs it has chosen in the Internet safety policy itself.⁴ Although the FCC does not require schools to specify curriculum in their Internet safety policies, they should keep records of the implementation of their chosen method(s) for educating minors about appropriate online behavior. For example, a school could maintain an annual list of the curriculum, trainings, or other programs provided to its students.

Q2: Are schools receiving E-rate discounts for Internet access and/or internal connections required to provide education about appropriate online behavior to their students every year?

A: The Protecting Children in the 21st Century Act requires a school to certify, as part of its Internet safety policy, that it "is educating minors about appropriate online behavior." Neither the statute nor the FCC's rules, however, specify how often a school must provide education regarding appropriate online behavior. While we do not read the statute to require annual trainings, curriculum or online behavior education programs, the phrase "is educating" in the statute suggests some form of regular training. Therefore, schools should determine how frequently they will provide educational programs or curriculum by evaluating local or community needs, and should retain documents demonstrating the frequency with which they provide their students with such programs or access to such curriculum.⁵ For example, a school might decide to provide training about appropriate online behavior to its students when they first start using the Internet and then every other year that follows.

Q3: Do schools need to ensure the education of every student in order to be able to certify they are educating minors about appropriate online behavior?

A: Schools should provide education about appropriate online behavior to their students who are actually accessing the Internet using E-rate covered services. Schools are not required to provide education about appropriate online behavior to very young students who are not yet using the Internet in school. Once schools identify the students that should receive education about appropriate online behavior, we expect schools to take reasonable steps to educate these minors. To the extent that a school has a way to record the students that have received training, it may want to retain such records. For example, if a school trains its students using an online education course, it can keep records of which students have taken the online training. Or, if a school educates its students about appropriate online behavior at a school assembly, the school could retain a record of the students in attendance that day. We recognize there may be situations, however, where it would be difficult to demonstrate that all of the students identified as needing the training have been trained, due to student absences or other variables. To the extent a school

⁴ The Commission declined to detail specific procedures or curriculum for schools to use in educating students about appropriate online behavior, finding that these are determinations better made by the local school authorities implementing these educational plans. *See 2011 CIPA Report and Order*, 26 FCC Red at 11822, para. 8.

⁵ *Id.*

is aware that some students have missed the scheduled training, the school should take reasonable steps to provide a make-up training or otherwise provide the relevant material to those students.

For further information, contact Cara Voth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

- FCC -