

FEDERAL COMMUNICATIONS COMMISSION

**MASS MEDIA BUREAU
POLICY AND RULES DIVISION
WASHINGTON, D.C. 20554**

Three Year Review of the Implementation of the Children's Television Rules and Guidelines 1997-1999



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Introduction

1. In 1996, the Commission revised its children's television rules implementing the Children's Television Act of 1990 and adopted "core" programming guidelines.¹ In the *Children's Television Report and Order* the Commission stated that it would monitor the broadcast industry's children's educational programming performance for three years based upon the quarterly Children's Television Programming Reports (FCC Form 398) that licensees are required to file with the Commission.² The Commission stated that it would conduct a review of these reports at the end of this three-year period and take appropriate action as necessary to ensure that stations are complying with the rules and guidelines. To supplement this review, the Commission also directed the staff to conduct selected individual station audits during the three-year period to assess station performance under the children's educational and informational programming rules and guidelines.

2. This "Three Year Review of the Implementation of the Children's Television Rules and Guidelines, 1997-1999" ("Report") by the Mass Media Bureau's Policy and Industry Analysis Branch, Policy and Rules Division, provides information to the Commission regarding how the broadcasting industry is doing in the area of children's educational and informational programming. This Report examines a large sample of stations in order to assess the industry's performance. Areas of examination include broadcasters' public information initiatives, aspects of the definition of programming "specifically designed" to serve children's educational and informational needs (*i.e.*, "core" programming), and the three-hour processing guideline. The Report calculates the average number of core hours broadcast by stations and examines the preemption rate of regularly scheduled children's programming.

3. This Report makes the following general observations, based on the FCC Form 398 reports filed by the sample of television stations:

* The commercial television broadcasting industry is complying with the three-hour core programming guideline established in the *Children's Television Report and Order*. The average amount of children's core programming aired on a commercial broadcast television station since the core requirement has been in effect is approximately four hours per week. More than one-half of the stations air three hours or three and one-half hours of core programming per week, but some stations (including independents, religious broadcasters, and UPN affiliates) air nearly twice

¹ See *Report and Order, Policies and Rules Concerning Children's Television Programming, Revision of Programming Policies for Television Broadcast Stations*, MM Docket 93-48 11 FCC Rcd 10660 (1996) ("*Children's Television Report and Order*"); Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, 394.

² *Children's Television Report and Order*, 11 FCC Rcd 10726 (1996).

that much.³

* The average preemption rate for all stations for core programs since the core programming requirement has been in effect is approximately 5.4 percent.⁴ The preemption rate for affiliates of the three largest networks (ABC, CBS and NBC) is approximately 9.8 percent, compared to an average of approximately 2.5 percent for the other stations (stations affiliated with smaller networks and independent stations). Affiliates of the three largest networks generally preempt the most core programming due to network coverage of national sporting events.

* For ABC, CBS and NBC network affiliates, many core program series were preempted more often in particular quarters of the year, depending on the live sports programming obligations of each network, the regularly scheduled time period of the program series, and the geographic location of the station. Quarterly preemption rates ranged from a low of two percent of program episodes by CBS in the second quarter 1999, to a high of 25 percent of program episodes by NBC in the third quarter 1999.⁵

* ABC, CBS and NBC network affiliates in the Pacific Time Zone preempted core programs more frequently than affiliates in the Eastern and Central Time Zones. Across the three networks programs were, on average, preempted more than twice as often in the West than in the East (16 percent vs. six percent).⁶

* Broadcast licensees have also complied with the other aspects of the children's television rules. These include airing programming during hours when children will be in the audience, airing programs of a substantial length, and providing better information to the public regarding their educational children's television programming.

Background

4. The Children's Television Act of 1990 ("CTA"),⁷ requires the Commission, in its review of each television broadcast license renewal application, to "consider the extent to which the licensee . . . has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such

³ See Appendix, Chart 1.

⁴ See Appendix, Chart 2.

⁵ See Appendix, Chart 3.

⁶ See Appendix, Chart 4.

⁷ Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. §§ 303a, 303b, 394.

needs."⁸ In enacting the CTA, Congress found that, while television can benefit society by helping to educate and inform children, there are significant market disincentives for commercial broadcasters to air children's educational and informational programming.⁹ The objective of Congress in enacting the CTA was to increase the amount of educational and informational programming available on television.¹⁰ The CTA accomplished that objective by placing on every licensee an obligation to provide such programming, including programming specifically designed to educate and inform children, and by requiring the FCC to enforce that obligation.

5. In the *Children's Television Report and Order*, the Commission adopted new regulations concerning children's television educational and informational programming. First, the Commission adopted a number of requirements designed to provide better information to the public about the shows broadcasters air to fulfill their obligation to air educational and informational programming under the CTA.¹¹ This information is provided to assist parents who wish to guide their children's television viewing and, if large numbers of parents use that information to choose educational programming for their children, increase the likelihood that the market will respond with more educational programming. In addition, better information should help parents and others have an effective dialogue with broadcasters in their community about children's programming and, where appropriate, allow them to urge programming improvements without resorting to government intervention.

6. Second, the Commission adopted a definition of programming "specifically designed" to educate and inform children that provides better guidance to broadcasters as to how to fulfill their statutory obligation to air such programming. In order to qualify as core programming, a show must have serving the educational and informational needs of children as a significant purpose. The Commission will ordinarily rely on the good faith judgments of broadcasters as to whether programming satisfies this test and will evaluate compliance of individual programs with this definition only as a last resort. Core programming includes additional objective elements. A core program must be a regularly scheduled, weekly program of at least 30 minutes, and aired between 7:00 a.m. and 10:00 p.m. The program must also be identified as educational and informational for children when it is aired and must be listed in the Children's Television Programming Report placed in the broadcaster's public inspection file and filed with the Commission.¹²

⁸ 47 U.S.C. § 303b.

⁹ 47 U.S.C. § 303a &b. *See also* S. Rep. No. 227, 101st Cong., 1st Sess 5-9 (1989) (Senate Report).

¹⁰ *See* Senate Report at 1.

¹¹ 47 C.F.R. §§ 73.673, 73.3526(e)(11)(iii).

¹² 47 C.F.R. § 73.671.

7. Third, the Commission adopted a processing guideline to provide certainty for broadcasters about how to comply with the CTA and facilitate processing efforts. Under this guideline, broadcasters receive staff-level approval of the CTA portion of their renewal applications if they air at least three hours per week of core programming or if, while providing somewhat less than three hours per week of core programming, they air a package of programming that demonstrates a level of commitment to educating and informing children that is at least equivalent to airing three hours per week of core programming. Broadcasters that do not meet this guideline will have their renewal applications referred to the full Commission for consideration, where they will have a full opportunity to demonstrate compliance with the CTA, including through efforts other than core programming and through non-broadcast efforts.¹³

8. All commercial television licensees are required to prepare quarterly Children's Television Programming Reports describing their children's television efforts for the preceding three months. For the past three years these forms have been filed by licensees on an annual basis and stored in an electronic database at the Commission.¹⁴ The Commission recently amended its rules making a number of changes to the CETV reporting requirements.¹⁵ First, the Commission extended indefinitely the requirement that commercial broadcast television licensees file with the Commission their quarterly Children's Television Programming Reports (the reporting requirement had previously been in effect for an experimental period of three years.) Second, the Commission required broadcasters in the future to file these reports on a quarterly basis, at the time they are prepared, rather than annually. Finally, the Commission made a number of revisions to FCC Form 398 to make the information contained in the form clearer and more useful to the public and the FCC.

9. After the adoption of the new regulations, the ABC, CBS and NBC television networks each requested that local television stations be given the flexibility to reschedule the episodes of core programs that are preempted by live network sports events without adversely impacting the program's status as "regularly scheduled." They set forth separate proposals for advising viewers of scheduling changes, promoting the educational block and minimizing the disruptive impact of rescheduling on viewers.¹⁶

¹³ 47 C.F.R. § 73.671 Note 2. *See* 47 U.S.C. § 303b(b) (providing that, in addition to considering educational and informational programming aired on the licensee's station, the Commission may consider "any special nonbroadcast efforts" by the licensee to enhance the value of such programming and "any special efforts" by the licensee to sponsor programming on another station in its market).

¹⁴ *See* 47 C.F.R. § 73.3526(e)(11)(iii) of the Commission's rules. The Commission maintains an internet-accessible database of Children's Television Programming Reports at http://fccsun01w.fcc.gov:8880/prod/kidvid/prod/kv_info.htm.

¹⁵ *See, Report and Order and Further Notice of Proposed Rule Making, Extension of the Filing Requirement For Children's Television Programming Reports (FCC Form 398)*, MM Docket No. 00-44, released October 5, 2000.

¹⁶ *See, e.g.*, letter to Roy J. Stewart, Chief, Mass Media Bureau from Martin D. Franks, Senior Vice President, Washington, CBS, Inc. (June 6, 1997). *See* Letter to Reed Hundt, Chairman, and Susan Ness, Rachelle Chong, and

10. Separate requests have been made in connection with the 1997-1998, 1998-1999, and 1999-2000 television seasons. For two of these seasons, the Bureau found the networks' proposals to be consistent with the Commission's goals of maintaining scheduling continuity and predictability for the children's audience. On that basis, the Mass Media Bureau advised the networks that their proposals for promoting and rescheduling preempted core programs would not run afoul of the children's television rules.¹⁷ Within certain limitations, the Bureau advised that preempted programs could count toward a station's core programming obligation if the programs were rescheduled within a reasonable period of time, and exempted from these requirements core programs that are preempted for breaking news. However, the Bureau said that it would revisit its conclusions based on its experience and report to the Commission regarding the effect of preemption on children's educational and informational programming. The Bureau also noted that it remains the duty of each television broadcaster to comply with the requirements of the *Children's Television Report and Order*, and that the Commission would continue to review each licensee's performance to ensure compliance with the rules.¹⁸

11. A report on the effect of preemption on children's educational and informational programming was released in November 1998.¹⁹ In the Preemption Report for the 1997-1998 television season, the Bureau assessed the networks' performance noting among other findings, that the network-owned stations' overall children's educational and informational programming effort had not been unduly affected by the limited preemption flexibility granted them.

Scope of the Report

James Quello, Commissioners, Federal Communications Commission from Alan Braverman, Senior Vice President & General Counsel ABC, Inc. (May 8, 1997). *See* Letter to Roy J. Stewart, Chief, Mass Media Bureau from Rick Cotton and Diane Zipursky, Washington Counsel, NBC, Inc. (June 6, 1997).

¹⁷ *See, e.g.*, letters from Roy J. Stewart, Chief, Mass Media Bureau to: Martin D. Franks, Senior Vice President, Washington, CBS, Inc. (July 11, 1997); Alan Braverman, Senior Vice President & General Counsel ABC, Inc. (July 11, 1997); Rick Cotton and Diane Zipursky, NBC Inc. (July 11, 1997). *See also* letters from Roy J. Stewart, Chief, Mass Media Bureau to: Sam Antar, Vice President, ABC, Inc. (October 28, 1998); Mark Johnson, Associate General Counsel, CBS, Inc. (October 28, 1998); Diane Zipursky, Washington Counsel, NBC, Inc. (October 28, 1998).

¹⁸ The Commission recently adopted a proceeding seeking comment on a range of issues related to the obligation of digital television ("DTV") broadcasters to serve children. *See Notice of Proposed Rule Making, Children's Television Obligations of Digital Television Broadcasters*, MM Docket No. 00-167, FCC No. 00-344, (adopted September 14, 2000).

¹⁹ *See* "The Effect of Preemption on Children's Educational and Informational Programming, 1997-1998 Television Season," November 1998, DA 98-2306, (Preemption Report).

12. This Report documents the children's educational and information programming performance of commercial television stations during the past three years by reviewing the Children's Television Report forms filed by a sample of television stations.²⁰ This sample of television stations is large enough to be representative of the industry's performance as a whole. The sample comprises 130 commercial television stations, which is more than 10 percent of all commercial stations. The sample includes affiliates of NBC, CBS, ABC, Fox, UPN, WB, Pax TV, religious broadcasters (*e.g.* Trinity Broadcast Network), Univision and Telemundo, and others (independent, unaffiliated and small broadcasting networks, *e.g.*, Home Shopping Network).²¹

13. The children's television rules regarding on-air identification, program guides, public file, and reporting requirements have been in effect since January 1997. However, the three-hour processing guideline for core programming became effective the following September. This delay in the implementation of the three-hour processing guideline was intended to give licensees an opportunity to develop programming that complies with the new definition and to renegotiate or allow expiration of existing program contracts as necessary. Since the core hours guideline was not effective until September 1997, licensee reports covering the first three quarters of 1997 often do not report core programming and are therefore not comparable to the reports for the other 2 ¼ years. Thus, the information described below generally describes the responses of broadcasters for 2 ¼ years rather than for the full three-year period.

14. This Report includes the following:

* Core programs identified by stations. This is a list of all programs stations identified as core programming during the three-year filing period. The Report also presents a sample of broadcasters' narrative descriptions of how particular children's programs satisfy the definition of children's core programming.

* Number of core hours reported. The Report presents the annual average number of core hours reported by affiliate group for the 2 ¼ year period (October 1997 through December 1999).

* Preemption rates of core programming. Average preemption rates by affiliate group is presented. Preemption rates are also presented, aggregated by quarters and annually, with more in-depth analysis of affiliates of the three largest networks.

* Information dissemination requirements. The Report presents information about stations:

²⁰ For a more complete description of the sampling methodology and other technical information see the "Technical Appendix" at the end of this report.

²¹ Affiliation information was obtained from the BIA Research database in January 2000. Independent and religious broadcasters were identified by BIA Research.

identifying core programming at time of airing; providing program guides with core programming information; and publicizing the location of their Children's Television Programming Reports.

* Nonbroadcast efforts and financial support of another station in the market. The Report includes an example of broadcaster's response for this showing.

Programming "Specifically Designed" To Serve Children's Educational and Informational Needs

15. The Commission's educational programming rules and guidelines interpreting the requirements set forth in the CTA require that core programming be "specifically designed"²² to meet the educational and informational needs of children ages 16 and under and have educating and informing children as a "significant purpose."²³ The broad category of "educational and informational television programming" is defined as "any television programming that furthers the educational and informational needs of children 16 years of age and under in any respect, including children's intellectual/cognitive or social/emotional needs."²⁴ The "significant purpose" standard acknowledges the point advanced by broadcasters and others that "to be successful, and thus to serve children's needs as mandated by the CTA, educational and informational programming must also be entertaining and attractive to children."²⁵ In determining whether programming has a "significant purpose" of educating and informing children, the Mass Media Bureau ordinarily relies on the good faith judgment of broadcasters.

16. Over the past three years, broadcasters have been identifying core programs through their Form 398 submissions. A list of programs that have been identified by the sampled broadcasters over the past three years as qualifying core programs is provided in Table I of the Appendix.²⁶

Description of Core Programming

²² 47 U.S.C. § 303b(a)(2).

²³ 47 C.F.R. § 73.671(c)(1).

²⁴ 47 C.F.R. § 73.671(c).

²⁵ *Children's Television Report and Order*, 11 FCC Rcd at 10700.

²⁶ As noted above, while the rules regarding on-air identification, program guides, public file, and reporting requirements became effective on January 2, 1997, the core programming guideline became effective September 1, 1997. The first full quarter that stations filed core programming information was October 1, 1997 – December 31, 1997. Some stations reported core programs for all four quarters in 1997, while most stations only reported core programs aired after the effective date of September 1, 1997.

17. Licensees are required to specify in writing in their Children's Television Programming Report the educational and informational objectives of a core program. The Commission stated that such a requirement would help licensees to focus on children's specific educational and informational needs in compliance with the CTA. The Commission also stated that this information would assist parents and other interested parties to understand licensees' programming efforts and afford them the means to participate with licensees in developing effective educational programming and to play a more active role in promoting and enforcing the goals of the CTA.

18. The Commission also requires licensees to indicate a specific target age group for each core program. In enacting the CTA, Congress found that "[c]hildren's educational programming is most effective when it is designed to focus on particular age groups and address specific skills."²⁷ Research has demonstrated that the ability of young children to comprehend television content varies as a function of age, and that educational programming should be targeted to an age range of no more than three to four years to ensure that its content is appropriate to the developmental level of the intended audience. Requiring licensees to specify the age group for each core program is intended to encourage them to consider whether the content of the program is suited to the interests, knowledge, vocabulary, and other abilities of that group. In addition, this requirement provides information to parents regarding the appropriate age for core programs thereby facilitating increased program audience and ratings. The Commission affords broadcasters the discretion to develop programs suited to children with similar educational and informational needs as they believe appropriate. Analysis of the information submitted on Form 398 by stations in the sample shows that approximately half of all core programs are designed for children between 6 and 11 years of age. Approximately 30 percent of core programs are produced for children between 12 and 16 years of age. Fewer than 20 percent of core programs aired by commercial broadcasters target a child audience under four years of age.²⁸

19. Below are some examples of the descriptive information supplied by broadcasters regarding recently aired core programming.

ABC Affiliate

12-31-99

Disney's 1 Saturday Morning (Featuring Long and Short-Form Educational Elements)

Network Saturday

7 AM 120 (minutes)

Age of Target Child Audience: from 8 to 12 years

This two-hour program block features three half-hour educational series in combination with various short-form educational elements. The latter include "Great Minds...Think For Themselves" (American history segments), a new series "Who Am I?" (descriptions of interesting figures in

²⁷ Senate Report at 6.

²⁸ See Chart 6 in the Appendix.

World History), "What's The Diff?" (game-type segments that teach visual and analytical skills), "Let's Go!" (geography and cultural information segments) and "Flyndiggery Do: Where'd It Go?" (short segments describing animal behavior).

Disney's Doug -- This series uses humor and fantasy in depicting a twelve-year-old boy's struggles to develop self-confidence, define identity, resolve family and school problems and maintain friendships. Narrated via the journal entries of aspiring writer/cartoonist Doug Funnie, episodes promote values such as honesty, loyalty, fairness and respect for individual differences. They also encourage creative writing and artistic expression.

Disney's Pepper Ann -- "Pepper Ann" features a resourceful twelve-year-old girl who is growing up in a single-parent family. Pepper Ann discovers the importance of speaking out for one's beliefs as well as the value of learning from one's mistakes. The primary educational focus of the series is self-esteem -- particularly that of girls.

Disney's Recess -- "Disney's Recess" is a collection of animated stories about six fourth-grade children who attend public school. These children are an ethnically and gender-diverse group. Their experiences at Third Street School deliver messages about problems common to middle childhood: conflicts with authority figures, school and family rules, issues of fairness, peer pressure and coping with disappointment. A number of episodes revolve around class bullies or "teacher's pets." Series episodes provide a rich source of values-oriented discussion material for parents and children.

CBS Affiliate

12-31-99

ANATOLE

Network Saturday

8:00 AM 30 (minutes)

Age of Target Child Audience: from 5 years to 9 years

From the Caldecott award winning series by Eve Titus, this program follows the escapades of Anatole the mouse, who learns to function in both the worlds of humans and mice by being clever, determined, a hard worker, a dedicated husband and father, and a problem-solver. The objectives of the program are to encourage viewers to identify and select positive alternatives when faced with personal, interpersonal and social dilemmas and to teach children that dedication and personal effort make it possible to be better family members, friends, students, workers and citizens. This program is specifically designed to further the educational and informational needs of children, has educating and informing children as a significant purpose, and otherwise meets the definition of Core Programming as specified in the Commission's rules.

NBC Affiliate

12-31-99

City Guys (1)

Network Saturday

11AM 30 (minutes)

Age of target Child Audience: from 13 to 16 years

The educational objective of this program is to demonstrate how the knowledge of one or more characters in the story moves from one level to a more informed or higher level of knowledge by the end of each episode. This change in knowledge conveys an educational message to the audience which may fall into one or more categories - intellectual-cognitive and/or socio-emotional. The message will always be integral to the plot and present throughout the script. This objective is achieved in this series by exploring the pressures of living in a big city environment where situations are sometimes so difficult and challenging, kids have to learn sophisticated and responsible decision-making to be safe and stay focused. The series follows the encounters and problem-solving of two young men through an eventful school year at Manhattan High and shows teens how to work with their principal, family and friends to be successful.

Fox Affiliate

12-31-99

THE MAGIC SCHOOL BUS

Syndicated Monday- Friday

2:30PM 30 (minutes)

Age of Target Child Audience: from 6 years to 9 years

The Scholastic's "The Magic School Bus" is to educate & inform children (6-9yrs old). The educational & informational objectives of the series are to: motivate children's interest in science; introduce science ideas; inspire positive attitudes toward science & education; & model age appropriate science problem solving behavior. Each of the 52 ½ hr episodes explores a different science topic through an animated journey aboard the magically transformed school bus to destinations such as the center of the earth, inside the human body, to outer space, to remote ecological environments, inside of a molecule, & inside of a plant.

WB Affiliate

12-31-99

PEER PRESSURE II

Syndicated Sunday

7 AM 30 (minutes)

Age of Target Child Audience: from 13 years to 16 years

The core objective of this program, in a gameshow format, is to keep the target audience actively involved, trying to think of answers to questions before the contestants respond. The format of the show demands a range of knowledge from the contestants and audience and places a premium on their ability to think quickly and accurately. The program presents educational material in an entertaining format designed to attract and involve the target adolescent audience.

Independent Station

12-31-99

PET PLAYHOUSE

Syndicated Thursdays and Fridays

3:00 PM 30 (minutes)

Age of Target Child Audience: from 2 years to 10 years

Each week the host takes kids through the wide world of animals presenting facts and tips in a completely captivating manner. Topics range from the proper care of house pets to the dangers of touching live exotic animals.

Processing Guideline

20. The Commission authorized the Mass Media Bureau to approve the CTA portions of a broadcaster's renewal application where the broadcaster has aired at least three hours per week (averaged over a six month period) of educational and informational programming that has as a significant purpose serving the educational and informational needs of children ages 16 and under. A broadcaster can demonstrate that it has aired at least three hours per week of such programming in either of two ways:

- (A) By checking a box on its renewal application and providing supporting information indicating that it has aired at least three hours per week of regularly scheduled, weekly shows that are 30 minutes or longer and that otherwise satisfy our new definition of programming "specifically designed" to serve children's educational and informational needs; or
- (B) By showing that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of core programming, demonstrates a level of commitment to educating and informing children that is at least equivalent to airing three hours per week of core programming.

21. Renewal applications that do not meet this guideline are referred to the Commission, where the applicant has a full opportunity to demonstrate compliance with the CTA by, for example, demonstrating how special non-broadcast efforts enhance the value of children's educational and informational television programming.

Children's Core Hour Calculations

22. Chart 1 in the Appendix shows the average number of core educational hours per week reported by each station group in the sample. The average amount of children's core programming aired on a broadcast station is approximately four hours per week. More than one-half of the stations air three hours or three and one-half hours of core programming per week but some stations (generally Independent, religious, and UPN affiliates) air nearly twice that much. Charts 1-97, 1-98 and 1-99 show that there is some annual variation in the amount of core programming shown by particular network affiliates, but that the variation is small. The stations that showed three hours of core programming in 1997 tend to continue to show three hours of children's programming today.

23. Stations affiliated with the three largest networks get a large portion of their daily programming from their network. All three networks supply their affiliates with at least three hours of core programming. Stations affiliated with ABC, NBC and CBS tend to air only the network-supplied core programming. Stations affiliated with networks that provide fewer programs (UPN and WB supply mostly prime-time programming) and unaffiliated and religious broadcasters tend to broadcast more core programming than the suggested guideline of three hours per week.

Programs that are Regularly Scheduled

24. An important characteristic of qualifying core programming is that the program be “regularly scheduled.” In the *Children's Television Report and Order* the Commission required that a children's program must be "regularly scheduled" to be counted as core programming for purposes of meeting the three-hour-per-week processing guideline for educational and informational programming, *i.e.*, -- a core children's program must "be scheduled to air at least once a week" and "must air on a regular basis."²⁹

25. The Commission stated that television series typically air in the same time slot for 13 consecutive weeks, although some episodes may be preempted for programs such as breaking news or live sports events. Programming that is aired on a regular basis is more easily anticipated and located by viewers, and can build loyalty that will improve its chance for commercial success. The Commission noted that qualifying core programming should be regularly scheduled in view of the Commission's emphasis on improving the flow of information to parents through published program guides and other means to enable them to select educational and informational programs for their children. Finally, the Commission stated that it would leave to the staff to determine, with guidance from the full Commission as necessary, what constitutes regularly scheduled programming and what level of preemption is allowable.³⁰

26. The Commission noted that specials, including those scheduled to appear on a regular non-weekly basis, may not be credited as core. Programs that are aired more frequently (*i.e.*, at least once a week) are more likely to build upon and reinforce educational and informational messages, more likely to develop audience loyalty, and more likely to be anticipated by children and parents and thus attract a regular audience. Nonetheless, the Commission recognized that educational and informational specials with a significant purpose of serving the educational and informational needs of children ages 16 and under can help accomplish the objectives of the CTA and thus can count toward the second part of the processing guideline. The Commission encouraged broadcasters to promote educational and informational specials and to schedule them far enough in advance to permit information about the program to be included in program guides.

²⁹ 47 C.F.R. § 73.671(c)(3).

³⁰ *Children's Television Report and Order*, 11 FCC Rcd at 10711.

27. Sample averages for core hours reported and preemption rates for 2 ¼ years are presented for each affiliate group in the table below. Religious and independent broadcasters tend to air the most core programming, while CBS and NBC affiliates tend to air the least. All affiliate groups average more than the suggested guideline of three hours.

Average Core Hours and Preemption Rates
(9 Quarters - October '97-December '99)

	Core Hours	Overall Preemption Rate
ABC Affiliates	3.8	9.3%
CBS Affiliates	3.1	7.9%
NBC Affiliates	3.3	12.1%
Fox Affiliates	4.5	0.7%
UPN Affiliates	5.2	0.7%
WB Affiliates	4.3	0.6%
Pax Affiliates	3.4	0.7%
UNI/TEL Affiliates	3.4	1.8%
Religious Stations ³¹	6.0	8.4%
Independent Stations	6.8	2.7%
All Stations	4.0	5.4%

28. The average preemption rate for all stations for core programs is 5.4 percent. The preemption rate for the three largest networks' affiliates (ABC, CBS and NBC) is approximately 9.8 percent while the average of stations affiliated with smaller networks and independent stations is 2.5 percent. Thus, the average preemption rate of the three largest network affiliates is nearly twice the national average, and nearly four times the average of stations affiliated with smaller networks and independent stations. The three largest networks' affiliates generally preempt the most core programming due to network coverage of national sporting events. The Fox network also carries significant amounts of weekend sports, but Fox affiliates tend to air most of their children's core programming during weekday hours; thus Fox affiliates' average preemption rate is only 0.7 percent. ABC, CBS and NBC have traditionally aired children's programming on Saturday

³¹ Religious and Independent broadcasters were identified by BIA Research.

mornings. The big three networks have continued to schedule core programming in those hours that are highly susceptible to national sports preemption. Preemption rates are examined in more detail in the charts in the Appendix.

29. Charts 2, 2a and 2b in the Appendix present comparisons of preemption rates of various affiliate groups. NBC affiliates preempted the most hours of any network with a preemption rate of just over 12 percent. CBS stations had the lowest preemption rate of the three largest networks at nearly eight percent. All three networks preempted more than the all-station average of five percent. Fox, UPN, WB, and Pax affiliates all had negligible preemption rates. Chart 2a presents preemption rate comparisons for the three largest networks over the last 2 ¼ years. Both ABC and CBS preempted fewer children's program episodes in 1999 than in the previous year. Only NBC preempted more children's program episodes in 1999 than in 1998 (16.1 percent vs. 9.2 percent). Chart 2b compares the three largest networks to the other stations in the sample over the last 2 ¼ years. Stations affiliated with the three largest networks consistently preempted core programs nearly four times as much as stations not affiliated with those networks.

30. Chart 3 in the Appendix presents preemption rates for each quarter to illustrate that seasonal sports events affect the network affiliates at different times of the year. ABC affiliates had a higher than average preemption rate (17.1 percent) in the third quarter, 1998, and its lowest average preemption rate in the second quarter, 1999 (2.2 percent). CBS affiliate preemptions were highest in the third quarter, 1999 (12.4 percent). NBC affiliates had the highest average preemption rate in the third quarter, 1999 (24.9 percent) and its lowest preemption rate in the first quarter, 1999 (3.1 percent).

31. Chart 4 in the Appendix illustrates how network affiliate preemption rates vary by time zone. Chart 4 presents the average preemption rates for each year for the big three networks in each time zone. All years demonstrate that preemptions occur most often in the Pacific Time Zone and least often in the Eastern Time Zone.

Times Core Programming May Be Aired

32. The CETV rules require that a program must air between the hours of 7:00 a.m. and 10:00 p.m. in order to qualify as core.³² This time period is specified to encourage broadcasters to air educational programming at times with the highest number of children in the audience.

33. Most core programs air on Saturday morning or early afternoon (ABC, CBS and NBC affiliates schedule most core programs for these times, while most other stations air only some core programs during these times). Some core programs air Monday through Friday in the early morning or afternoon hours (Fox, UPN and WB affiliates air

³² 47 C.F.R. § 73.671(c)(2).

some of their core programs during these hours). Chart 5 in the Appendix shows preemptions by time of day for Saturday and Sunday. Preemption rates for weekdays were approximately 1 percent or less in most time periods. Weekend early morning preemptions (preemptions of programs aired before 9:00 a.m.) occurred primarily in the Pacific Time Zone. Preemption rates tend to increase the later a program is scheduled on Saturday or Sunday morning. Programs scheduled to begin at 12:00 p.m. or 12:30 p.m. were preempted the most often (nearly 18 percent of the time). Programs aired between 9:00 a.m. and 11:00 a.m. were preempted approximately 10 percent of the time.

Substantial Length

34. Core programming should be at least 30 minutes in length.³³ The dominant broadcast television format is 30 minutes or longer in length. The Commission stated that its CETV rules, which are intended to promote the accessibility of children's educational and informational programming, reflect this current industry practice. Programs in these standard formats are more likely than shorter programming to be regularly scheduled and to be listed in program guides, and thus are easier for parents to identify for their children's viewing. In addition, programs which are 30 minutes or longer allow more time for educational and informational material to be presented.³⁴

35. Educational and informational public service announcements (PSAs), or other short segments are not considered core programming. The CTA does not preclude broadcasters from counting such programming as educational and informational; indeed, some short segments have significant public interest benefits. The Commission noted that short segments and PSAs are less likely to be regularly scheduled or listed in program guides, and consequently are not easily located and anticipated by parents and children.³⁵

36. Virtually all core programs reported by the stations in the sample are 30 minutes in length. There are a few programs that are one hour in length and "Disney's 1 Saturday Morning" is generally reported as a two hour core program. "Disney's 1 Saturday Morning" changes from time to time, but it currently consists of the programs "Doug," "The Weekenders" and "Disney's Recess" as well as a number of shorter segments positioned around those three half hour programs. PSAs and other short programs are not reported as core programs on Form 398 but PSAs are often identified by licensees as non-core programming.

Special Non-broadcast Efforts

³³ 47 C.F.R. § 73.671(c)(4).

³⁴ *Children's Television Report and Order*, 11 FCC Rcd at 10713.

³⁵ *Children's Television Report and Order*, 11 FCC Rcd at 10711.

37. The CTA states that, "[i]n addition to consideration of the licensee's [educational] programming, the Commission may consider . . . any special non-broadcast efforts by the licensee which enhance the educational and informational value of such programming to children." A licensee may present evidence of such special non-broadcast efforts at the Commission level. To receive credit under this provision for a "special" non-broadcast effort, a broadcaster must show that it has engaged in substantial community activity. Finally, we note that this provision does not relieve a broadcaster of the obligation to air core programming. The statute permits the Commission to consider special non-broadcast efforts "in addition to consideration of the licensee's [educational] programming."³⁶

38. Question 11 of FCC Form 398 asks the licensee to report any non-broadcast efforts. Not all stations list efforts on a quarterly basis and many stations list only a few initiatives. Some stations, however, provide an extensive list of efforts. For example, an ABC affiliate reported the following:

[The station's] news and weather anchors made appearances in the [local] viewing area to increase education/awareness of various topics like weather, hunger, volunteerism, and careers.

[The station] began broadcasting "Connecting With Kids" in various newscasts. "Connecting With Kids" are news reports which facilitate communication between children and parents with regard to important current issues affecting their lives.

Throughout the quarter [the station] continued community relations campaign for kids as follows:

- promoted sponsorships for Kids to the Country, event for inner city youth
- continued used bike donations as gifts for Youth Encouragement Services
- continued Football Challenge high school food drive promotion in 6 counties
- continued promotion of Ronald McDonald House for ill children
- promoted abstinence in youth for Cumberland Co. Pregnancy Center
- promoted importance of folic acid in teen diet
- promoted Ghouls at Grassmere as safe event for youngster
- continued promotion of Lesson Line for school assistance
- aired anti-drug use message from Lorrie Morgan
- aired special holiday message from Ensworth School
- aired warning message on child rape & sexual abuse by Charlie Daniels

39. The CTA states that, "[i]n addition to consideration of the licensee's [educational] programming, the Commission may consider . . . any special efforts by the licensee to produce or support programming broadcast by another station in the licensee's marketplace which is specifically designed to serve the educational and informational

³⁶ 47 U.S.C. at § 303b(b).

needs of children."³⁷ A licensee may present evidence at the Commission level of such special sponsorship efforts. To receive credit under this provision for a "special" sponsorship effort, a broadcaster must demonstrate that its production or support of core programming aired on another station in its market increased the amount of core programming on the station airing the sponsored core programming. In the *Children's Television Report and Order* the Commission determined that these issues are best addressed on a case-by-case basis considering individual licensees' showings rather than by the adoption of program sponsorship guidelines.

40. No stations in the sample provided a sponsorship showing in their Form 398 submissions.

Public Information Initiatives

41. In the *Children's Television Report and Order* the Commission concluded that the market inadequacies that led Congress to pass the Children's Television Act can be addressed, in part, by enhancing parents' knowledge of children's educational programming.³⁸ The Commission's goal to facilitate "easy public access to information permits the Commission to rely more on marketplace forces to achieve the goals of the CTA and facilitates enforcement of the statute by allowing parents, educators, and others to actively monitor a station's performance."³⁹

42. The Commission focused on three basic methods to improve the public's access to information: commercial broadcasters should identify core programming at the time those programs are aired in a form that is at the sole discretion of the licensee; they should identify such programs to publishers of program guides; and they should provide improved access to information to the public through standardized reporting and other means.⁴⁰

Program Guides

43. It is industry practice for broadcasters to provide programming information to program guides, which publish such information without cost to the broadcasters.

³⁷ 47 U.S.C. at § 303b(b)(1).

³⁸ The Commission noted that the term "parent" includes guardians, foster parents and others responsible for the care of children.

³⁹ See *Children's Television Report and Order*, 11 FCC Rcd 10660 (1996).

⁴⁰ Although noncommercial television licensees are exempted from these specific provisions of the children's television rules, the Commission nonetheless encouraged noncommercial stations voluntarily to comport with these initiatives to the extent feasible as a means of providing parents and other members of the public with additional information about the availability of children's educational and informational programming on all broadcast stations.

Further, it has become a well-established practice to provide specialized information about programs, such as which programs are closed captioned for the hearing impaired. As broadcasters routinely provide such information about their programming to program guides and designate core programs for their public records, the Commission found it would require a minimum of effort, but have a major positive effect, for broadcasters to provide publishers of program guides and listings information identifying core programs and the age groups for which the programs are intended.⁴¹ The Commission recognized that broadcasters cannot require guides to print this information. The information, however, is more likely to be in the program listings if broadcasters routinely provide it. Program guides are an effective means of providing parents with advance notice of scheduling of educational programs. This information assists parents in finding suitable programs for their children and is useful to parents and others who wish to monitor station performance in complying with the CTA.

44. In the fourth quarter 1997, virtually all of the stations in the sample reported supplying program guides with information identifying each core program aired on its station, including an indication of the target child audience. Since that time all of the stations sampled report routinely supplying this information. The staff does not have information, however, on the percentage of program guides that actually choose to provide information identifying core programming in the television listings.

Public File and Quarterly Reports

45. The CETV rules require commercial licensees to complete a Children's Television Programming Report (FCC Form 398) providing information about the children's programming they air, including the time, date, duration, and description of the programs. Licensees maintain these reports in the station's public inspection file and file them with the Commission. The Commission is currently seeking comment on whether broadcasters should also be required to provide their completed Children's Television Programming Reports at their own websites.⁴²

Publicizing Children's Programming Reports

46. Broadcasters are required to publicize in an appropriate manner the existence and location of their Children's Television Programming Reports.⁴³ Periodic on-air announcements further the goal to minimize the Commission's involvement in enforcing

⁴¹ 47 C.F.R. § 73.673.

⁴² See *Further Notice of Proposed Rule Making* in MM Docket No. 00-44.

⁴³ 47 C.F.R. § 73.3526(e)(11)(iii).

the CTA by facilitating public monitoring of broadcasters' educational programming. Since the fourth quarter 1997, virtually all of the stations in the sample complied with the requirement to publicize the existence and location of the stations' Children's Television Programming Reports.

Identified as Educational and Informational

47. The Commission requires broadcasters to provide on-air identification of core programs, in a manner and form that is at the sole discretion of the licensee, at the beginning of the program.⁴⁴ An on-air identification requirement makes broadcasters more accountable to the public and furthers the goal of minimizing the possibility that the Commission would be required to decide whether particular programs serve the educational and informational needs of children. In the fourth quarter, 1997 virtually all of the stations in the sample reported compliance with this requirement. For the past seven quarters, all of the stations sampled report routinely identifying each core program at the beginning of the airing of each program.

Conclusion

48. In general, it appears that broadcast licensees have made many efforts to comply with the scheduling and promotional rules for children's educational and informational programming set forth in the *Children's Television Report and Order*. All stations sampled reported airing at least three hours of core children's programming. The average amount of children's core programming aired on a broadcast station is approximately four hours per week. For many stations, preemption of regularly scheduled children's programming is not a significant issue. However, the three largest network affiliates' preemption rates are notable and especially significant for stations in the West.

49. The Bureau believes that stations have sustained a reasonably consistent schedule of core programming. Overall, stations appear to be in general compliance with the Commission's rules that seek to provide better information to the public and with the processing guideline to receive staff approval of the CTA portion of their renewal applications.

⁴⁴ 47 C.F.R § 73.673.

Technical Appendix, Tables and Charts

A. This study documents the CETV performance of commercial television stations during the past three years by reviewing the Children's Television Programming Report (FCC Form 398) filed by a sample of television stations. This sample of television stations is large enough to be representative of the industry's performance as a whole. The sample is comprised of more than 10 percent (130 stations) of commercial television stations. Some adjustments to licensees' Children's Television Programming Reports were made to standardize the responses.

B. The sample used for this Report is more precisely described as a stratified random sample. In a stratified random sample, the population to be sampled is first subclassified into several subpopulations, then the sample is drawn by taking random samples from each of the strata. For this Report, all stations were subclassified by their affiliation as identified by the BIA database while ABC, CBS and NBS stations were stratified further by their time zone. Random samples were taken from each of these strata. Information derived from the staff report "The Effect of Preemption on Children's Educational and Informational Programming, 1997-1998 Television Season," showed that the three largest networks preempt children's core programming more often than stations not affiliated with those networks. It also showed that preemptions vary seasonally and that preemptions vary by time zone. It was important to verify these observations with a larger sample over a longer period of time. To do this it was decided that a stratified sample would produce sufficient observations to analyze these other preemption features. More affiliates of NBC, CBS and ABC are included because these network have nearly 200 affiliates each and preliminary analysis⁴⁵ shows that these networks air more Saturday morning sports programming which tends to frequently preempt regularly scheduled children's programming.

C. The sample includes 20 affiliates of each of the following networks: ABC, CBS and NBC; 10 affiliates of each of the following networks: Fox, UPN, WB, Pax TV, TBN and other religious broadcasters, Univision and Telemundo; and 10 others (independent, unaffiliated and small broadcasting networks *e.g.*, Home Shopping Network). Station affiliation was determined using BIA Research database as of January 1999. Religious and independent stations were identified by BIA Research and all stations in the sample are commercial licensees. A small number of the randomly-chosen affiliates are also owned by the identified network, for example, ABC (Disney) owns three of the affiliates in the sample and NBC (General Electric) owns one of the affiliates in the sample. Non-commercial stations (including PBS affiliates) are not included in this sample because they are exempt from the reporting aspects of the children's educational programming rules.

⁴⁵ See "The Effect of Preemption on Children's Educational and Informational Programming, 1997-1998 Television Season," November 1998, DA 98-2306 and is available at <http://www.fcc.gov/mmb/prd/cetv/>.

D. Core hours and preemption rates for each station presented in the text of this Report were calculated by aggregating across minutes of programming; average core hours and preemption rates were calculated by weighting each station equally. For formal statistical analysis, overall average core hours and preemption rates were calculated by weighting the average for each of the ten station-groups by its proportion of the total population of stations. Table A1 below presents various statistics for each of the ten station-groups where $j = 1, 2, \dots, 10$.

TABLE A1

	n(j)	N(j)	p(j)	fpcf(j)	core hours			preemption			
					m(j)	v(j)	sm(j)	m(j)	v(j)	sm(j)	
ABC	20	186	.154	0.89	3.82	0.281	0.11	9.70	43.972	1.40	
CBS	20	184	.153	0.89	3.06	0.023	0.03	7.84	19.882	0.94	
NBC	20	188	.156	0.89	3.32	0.274	0.11	12.36	47.712	1.46	
FOX	10	163	.135	0.94	4.48	1.013	0.31	0.84	0.811	0.27	
UPN	10	80	.066	0.88	5.25	5.107	0.67	0.54	0.510	0.21	
WB	10	63	.052	0.84	4.34	1.423	0.35	0.55	0.287	0.16	
PAX	10	65	.054	0.85	3.39	0.381	0.18	1.06	3.908	0.58	
UNI/TEL	10	38	.032	0.74		3.39	0.659	0.22	2.26	5.526	0.64
Religious	10	41	.034	0.76	5.98	2.762	0.46	8.07	23.033	1.32	
Independent	10	196	.163	0.95		6.79	33.372	1.78	2.11	16.744	1.26
total	130	1204	1.000								

$n(j)$ = the number of observations in the sample for group j

n = the number of observations in the sample, 130

$N(j)$ = the number of observations in the population for group j

N = the number of observations in the population, 1204

$p(j)$ = the proportion of the population comprising group j , e.g., $N(j)/N$

$fpcf(j)$ = the finite population correction factor for group j , e.g., $(N(j) - n(j))/N(j)$

$m(j)$ = the arithmetic mean of group j

$v(j)$ = unbiased estimator of the variance of group j

$sm(j)$ = standard deviation of the sample mean of group j

The mean of an individual group, e.g., CBS affiliates, is computed in the usual fashion. Since the stratification was effected to satisfy minimal sample size requirements, rather than to reflect proportions of the population, the mean of a collection of groups, e.g., ABC, CBS and NBC, is computed using the group weights, $p(j) = N(j)/N$. Specifically, the estimate of the overall mean is

$$\bar{Y} = \sum (N(j)/N) * m(j) \quad (1)$$

where $m(j)$ is the sample mean of the j -th stratum. The variance of the j -th stratum is $v(j)$, so the standard deviation of the mean of the j -th stratum, $sm(j)$, is the square root of the following

quantity:

$$(fpcf(j)/n(j))*v(j).$$

Thus,

$$\overline{\text{var}(Y)} = \bullet (N(j)^2/N^2)*sm(j)^2. \quad (2)$$

From (1) the overall sample mean for core hours is 4.35 with, from (2), a standard deviation of 0.30. Clearly, the null hypothesis that the population mean exceeds three hours cannot be rejected.

The above procedure can be applied, with some modifications; to test the null hypothesis that the population mean of the network affiliates (ABC, CBS and NBC) exceeds three hours. The mean is 3.40 with a standard deviation of 0.05, and clearly does not reject the null hypothesis.