

Action Item: New CIPA Requirements

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Agenda

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- ▲ Existing CIPA Requirements
- ▲ New CIPA Requirements
- ▲ New CIPA Implementation
- ▲ CIPA Documentation Requirements-
Existing and New
- ▲ Filtering for Evolving Technology Use

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Existing Requirements

- ▲ Internet Safety Policy, Technology Protection Measure, Monitoring of online activities of students
- ▲ Internet Safety Policy adopted after opportunity for comment at a public meeting or hearing (Board Approved)
- ▲ Required for any school or library receiving either or both Internet or Priority 2 funding
- ▲ Recipients of only telecommunications services are exempt from E-rate CIPA compliance
- ▲ Consortium members submit Form 479 to Consortium Lead to certify compliance
- ▲ CIPA applies to almost every public school district in the State by virtue of DDN Internet E-rate funding

Internet Safety Policy – Existing Requirements

5 Required Elements to be addressed:

1. Restrict access by minors to inappropriate matter on Internet
2. Safety and security of minors when using email, chat rooms and other forms of direct electronic communications
3. Unauthorized access, including hacking and other unlawful activities by minors online
4. Unauthorized disclosure, use and dissemination of personal identification information regarding minors
5. Measures designed to restrict minors' access to materials harmful to minors.

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Technology Protection Measure

▲ A specific technology that blocks or filters Internet access to:

□ Visual depictions of obscene material

▲ “Obscene” has the same meaning as used in federal obscenity statutes (but there is no specific definition)

□ Child pornography

▲ Defined in 18 USC Section 2256

□ Visual depictions that are harmful to minors

CIPA Applies to Students and Adults

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- ▲ Schools and libraries must use specific technology that blocks or filters Internet access
 - Filter can be set to different levels, depending on age of user
- ▲ Must protect against access by adults and minors to visual depictions that are obscene, child pornography, or harmful to minors
- ▲ Applies to **all** computers, not just computers used by students
- ▲ May be disabled for adults engaged in bona fide research or other lawful purposes
 - There is no provision in the law to disable filter for students
 - Filter cannot be permanently disabled for adults

Original CIPA-Documentation

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- ▲ Copy of approved policy
- ▲ Notice of public hearing or public meeting (such as school board meeting) where CIPA policy was considered and voted upon
 - Agenda for meeting – show opportunity for public input/comment before adoption of CIPA policy
 - Other documentation for opportunity for public comment
- ▲ Filtering records, purchase orders
- ▲ Method for monitoring online activity of students
- ▲ Information does not get submitted to FCC/SLD, but must be retained and provided upon request

Original CIPA-How Long To Keep Documentation

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- ▲ Schools must retain their Internet Safety Policy documentation for at least five years after the last date of service for a particular funding year
 - For example, if a school held a public hearing and adopted its Internet Safety Policy in 2001 and relied on that same policy to make its Form 486 CIPA certification in FY 2011, the school must retain its Internet Safety Policy documentation (from 2001) for five years after the last day of service for FY 2011, which would be until June 30, 2017.
- ▲ If you don't have this documentation, you should issue a new public notice, hold a new public hearing, and adopt your current Internet Safety Policy to become compliant
- ▲ No CIPA violation has occurred if the hearing or meeting was held prior to August 2004 and records of the notice and the hearing or meeting cannot be produced

New CIPA Requirements

▲ Additions to Internet Safety Policy required for:

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Education of minors about appropriate
online behavior including—

Interacting with other individuals on
social networking websites and in chat
rooms and cyberbullying awareness and
response

Amend Internet Safety Policy by 6.30.2012

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- ▲ Include new requirement for teaching appropriate online behavior including cyberbullying awareness (Slide 9 has specific language)
- ▲ Cannot say that the school “may” educate – must say “will” educate.
- ▲ E-rate does not require that the policy be board approved unless required under state/local law
 - Recommended Best Practice – Obtain Board Approval
- ▲ Internet Safety Policy is different from Acceptable Use Policy or Cyberbullying Policy – unless all required CIPA elements are included

Sample ISP Language-Minimal

▲ Bare Bones Language:

“The school district will educate all students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

The Superintendent is delegated authority to implement these educational requirements.”

Sample ISP Language – Detailed

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- ▲ Explain how the district will implement the new online education requirements. For example:
 - Specify how the requirement will be incorporated into curriculum
 - ▲ Online safety education course taught in the classroom or by library media specialist
 - ▲ School assemblies
 - ▲ Third party vendor software/curriculum
 - Specify different programs for different ages

Sample Detailed ISP Language

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Students are required to complete an Internet safety course. The curriculum focuses on educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The course consists of an interactive presentation and will be completed prior to the end of the first semester of the school year. Students enrolling after the first semester are required to participate individually with a designated presenter. All students in grades 3-12 will sign a verification form indicating they have participated in the course. Students in grades K-2 will not be required to sign off, but the designated presenter will list the names of those who complete the K-2 instruction.

Implementation of New Requirement- By Start of 2012-13 School Year

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- Confer with teachers and administrators to establish curriculum
- Tailor curriculum to be grade-specific
- Establish documentation requirements to prove compliance if asked by SLD or FCC
- Education requirement is annual

Plenty of Free Resources

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▲ <http://OnGuardOnline.gov>

- ❑ Website jointly developed by Federal Trade Commission, FCC, other Federal government agencies and various technology industry organizations.

▲ <http://www.staysafeonline.org/content/k-12-educators>

- ❑ National Cyber Security Alliance: Public/Private Partnership including Dep't. Homeland Security, corporate sponsors such as Symantec, CISCO, Microsoft, SAIC, EMC, McAfee) and other nonprofits.

▲ <http://www.cybersmartcurriculum.org/>

- ❑ Free curriculum CyberSmart! Cyberbullying Package; endorsed by National School Boards Association, Technology Leadership Network and others

Does New Requirement Apply to ALL Students?

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- ▲ Technically, yes
- ▲ CTCs/ESAs may confirm that sending schools are teaching students
 - Recommend entering into annual MOU with sending schools
- ▲ Tailor curriculum to students' needs –
 - Different approaches for different ages
 - Students with learning differences require special consideration

Other Online Education Plan Considerations

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- ▲ Content and Quantity of Curriculum
- ▲ Should staff be trained?
- ▲ Enlist parent and community partners?
- ▲ Should AUP be updated?
- ▲ Should disciplinary policy be updated?

Filtering Social Networking Sites

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- ▲ FCC stated it is local decision whether to block social NW sites
- ▲ Not required by CIPA per se to block social NW sites
- ▲ Beware of discriminatory way in which third party blocking software may operate
 - Recent court case invalidated district's blocking of certain websites that imparted information about LGBT issues
 - ▲ Blocking was done automatically with third party filter called URL Blacklist
 - ▲ ACLU obtained agreement from all but one district to unblock the LGBT sites
 - ▲ Camdenton, KS district refused, ACLU sued, injunction against district issued, case settled & sites now unblocked
 - ▲ URL Blacklist since developed a new version of filter that no longer blocks these sites

New CIPA Online Education Documentation

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- ▲ Curriculum
- ▲ Lesson Plans
- ▲ Who was taught what?
- ▲ Other records?
- ▲ Updated Internet Safety Policy
- ▲ Board agenda and minutes of approval

Filtering for Evolving Technology Use

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▲ Definition of computer includes:

- Laptops
- Desktops
- iPads
- Kindles/Nooks, etc.
- Smartphones

Filtering and BYOD Initiatives

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- ▲ FCC acknowledged that current rules may not address the filtering requirements when personal computers and devices are brought to school
- ▲ Based on specific conversations with FCC officials, we believe:
 - Any school-owned computer/device must be filtered, whether it is used on campus or off, or used by an adult or student
 - Any personal-owned computer/device must be filtered if using school or library Internet access
 - May not be required: Personal-owned computer/devices that use their own Internet access
 - ▲ Be careful with this. Just because it's not required, doesn't mean you shouldn't address it!
- ▲ As of now, no exceptions for cellular devices

Filtering and BYOD Initiatives

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- ▲ It appears clear that the FCC believes that all school-owned devices must be filtered, no matter where they are used.
- ▲ But it may be difficult for FCC to recover E-rate funding for current violations of personally-owned devices used on-campus because of lack of specific written rules and the following language in the August 2011 CIPA Order:
 - *“Some E-rate recipients have sought guidance regarding the potential application of CIPA requirements to the use of portable devices owned by students and library patrons, such as laptops and cellular telephones, when those devices are used in a school or library to obtain Internet access that has been funded by E-rate. We recognize that this is an increasingly important issue, as portable Internet access devices proliferate in schools and libraries. We believe it may be helpful to clarify the appropriate policies in this area, and intend to seek public comment in a separate proceeding.”*
- ▲ **When this proceeding is initiated, I encourage you to file comments**

Best Available Information

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Who owns device?	Where is it being used?	Is Internet E-rated?	Is filtering required?
School	On campus	Yes	Yes
School	On campus	No	Yes
School	Off campus	Yes	Yes
School	Off campus	No	Likely Yes
Personal	On campus	Yes	Yes
Personal	On campus	No	Unknown; address in policies to protect students
Personal	Off campus	Yes	Yes

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Questions?