

Changes To The E-rate Program And Complying With CIPA: A Brief FAQ

(August 2017)

**Robert Bocher, Senior Fellow,
ALA Office for Information Technology Policy (OITP)**

Over the past several years the Federal Communications Commission (FCC) has initiated the most comprehensive reforms of the E-rate program since its inception in 1996. With these reforms some libraries are reviewing their participation in the program with the realization that requesting E-rate discounts on certain services requires compliance with the (CIPA). This FAQ provides an overview of the 2014 E-rate Modernization and the issue of CIPA compliance. While reasonable efforts were made to ensure the accuracy of this document, the Federal Communications Commission (FCC) and the Schools and Libraries Division are the official sources of information on the E-rate program and CIPA.

Q: What are the changes to the E-rate program?

A: One of the most significant changes the FCC made in 2014 was to increase overall funding from \$2.4 billion annually to \$3.9 billion to help provide more support for high-capacity broadband connectivity to libraries and schools.¹ The FCC expects these additional funds will ensure that all applications for all E-rate eligible services will be fully funded through 2019. The added funding is especially important because in past years insufficient funding meant that almost no libraries received E-rate funds for internal connections, which include network equipment for internet access and Wi-Fi connectivity inside the library building. Receiving E-rate funds for internal connections is particularly important because outdated network hardware is often an impediment to robust broadband internet access needed by both staff and patrons.

In this Order we provide certainty on the future of E-rate funding. The increased funding will enable libraries to plan how best to upgrade their networks and at what pace. —FCC press release, December 2014

Q: How does the increase in E-rate funding relate to CIPA compliance?

A: The good news is that with the E-rate reforms there is now sufficient funding to approve all E-rate applications, including those for internal connections. But this good news is tempered with the realization that E-rate discounts for both internet access and all internal connections including managed internal broadband services (MIBS) and basic maintenance of internal connections (BMIC) require compliance with CIPA. (Discounts for broadband circuits do not require CIPA compliance.)

Q: From a _____ s?

A: Yes. In July 1997 the ALA passed a resolution opposing the use of filters in libraries. This position has been re-affirmed several times, most recently in 2015.² But in this latest document ALA also acknowledges that libraries are governed by local decision makers and local considerations and often must rely on federal or state funding for c _____ In other words, the decision to comply or not with CIPA is ultimately a local decision.

Q: If my library wants to consider applying for E-rate discounts for internet and internal connections, what actions are needed to be CIPA compliant?

A: While compliance is often centered on filtering, the law actually has three basic requirements as follows:

(1) *A library must have an internet safety policy that, at a minimum, addresses five elements:*

- Access by minors to inappropriate material on the internet,
- Safety and security of minors using electronic communications (e.g., email, social networks),
- Unauthorized access and other unlawful activities by minors,
- Unauthorized disclosure or use of personal information regarding minors, and
- Measures designed to restrict minors access to materials harmful to minors.

¹ FCC information on this major E-rate reform is at <https://www.fcc.gov/e-rate-update> and ALA summaries of the reforms are linked at <http://www.ala.org/advocacy/telecom/erate>.

² An Interpretation of the Library Bill of Rig
<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/internet-filtering>.

(2) *A library must filter internet access:*

The filter must be active on all library computers with internet access and it must protect against access to images that: (1) are obscene, (2) contain child pornography, or (3) are harmful to minors. The first two prohibitions are defined in federal statutes (18 U.S.C. 1460 et seq.; 18 U.S.C. 2256 et seq.). Obscenity is also frequently defined in state statutes and local ordinances

. It takes the