

CHILDREN'S INTERNET PROTECTION ACT (CIPA) AND MANHATTAN-OGDEN COMPLIANCE

The Children's Internet Protection Act was signed into law on December 21, 2000. Under CIPA, a school district must certify that it is enforcing a policy of Internet safety that includes the use of filtering or blocking technology. This Internet Safety Policy must protect against access, through computers with Internet access, to visual depictions that are obscene, involve child pornography, or are harmful to minors. The school district must also certify that it is enforcing the operation of such filtering or blocking technology during any use of such computers by minors.

Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the Manhattan-Ogden School District has undertaken such actions, including procurement procedures, to comply with the requirements of CIPA.

COMPLIANCE WITH THE REQUIREMENTS OF CIPA

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, involve child pornography, or are harmful to minors. Through Secure Computing, the Manhattan-Ogden School District subscribes to a content filtering system that is compliant with CIPA and COPA.

Internet Safety Policy

The CIPA guidelines for an Internet safety policy have been incorporated by the Manhattan-Ogden School District into the document Use of the Internet/Network and Acceptable Use Agreement Form. This document also includes website construction guidelines. The Manhattan-Ogden internet safety policy document addresses the following issues:

- access by minors to inappropriate matter on the Internet and World Wide Web
- the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications
- unauthorized access, including so-called "hacking," and other unlawful activities by minors online
- unauthorized disclosure, use, and dissemination of personal information regarding minors
- measures designed to restrict minors' access to materials harmful to minors

It is the policy of Manhattan-Ogden School District to:

- prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- prevent unauthorized access and other unlawful online activity;
- prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Access to Inappropriate Material

Practical technology protection measures (or "Internet filters") are used to block or filter Internet, or other forms of electronic communications, and access to inappropriate information on the Manhattan-Ogden School District WAN. Specifically, as required by the Children's Internet Protection Act, blocking is applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the Manhattan-Ogden School District online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Supervision and Monitoring

It shall be the responsibility of all members of the Manhattan-Ogden School District staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with Manhattan-Ogden School District policy and the Children's Internet protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of a Network Manager or designated representative.

CIPA Definition of Terms

The key terms in the Manhattan-Ogden School District document are as defined in the Children's Internet Protection Act. The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:

1. OBSCENE, as that term is defined in section 1460 of title 18, United States Code;
2. CHILD PORNOGRAPHY, as that term is defined in section 2256 of title 18, United States Code; or
3. Harmful to minors. The term "harmful to minors" means any picture, image, graphic image file, visual depiction (including video) or audio file that:
 - Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

Violation of District Plan

The penalties for any infractions of this plan should be referred to the student handbook for the school where the violation occurred.

Internet Links for Additional Information on CIPA and Internet Safety Policies

Consumer Facts about CIPA

<http://www.fcc.gov/cgb/consumerfacts/cipa.html>

FCC regulations implementing CIPA; FCC 01-120

http://www.fcc.gov/Bureaus/Common_Carrier/Orders/2001/fcc01120.doc

SLD's FAQ on E-rate certification procedures and timing

<http://www.sl.universalservice.org/reference/CIPAfq.asp>

Cases

http://caselaw.lp.findlaw.com/casecode/uscodes/18/parts/i/chapters/71/sections/section_1460.html

http://caselaw.lp.findlaw.com/casecode/uscodes/18/parts/i/chapters/110/sections/section_2256.html