



The Children's Internet Protection Act and Libraries

Understanding and developing strategies that benefit your community

Creating safe libraries for children

Libraries have become hubs of Internet connectivity for those who may not otherwise have access. This has created a fundamental challenge: providing information to all while protecting patrons—particularly children—from illegal and harmful content. Striking the right balance has philosophical, technological and legal implications for libraries and those who work in them.

The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000. The act essentially requires all public libraries (even in schools) to filter or block certain material if they receive federal funding through E-rate and other programs.

Nearly two decades later, CIPA still poses a challenge for libraries as compliance with the law must be balanced against the need for open access to the Internet. The evolution of technology has made this easier. And there's a potential opportunity within CIPA: compliance can open doors for federal funding opportunities that can help libraries be better community anchors.

"Libraries can be ethical in the way they filter and take advantage of the funding," says Beverly Sutherland, Founder of EdTechnologyFunds, Inc., and an experienced E-rate consultant to libraries. "They don't have to compromise on their stance."

CIPA Highlights

- CIPA imposes requirements on schools and libraries that receive discounts for Internet access or internal connections through the federal E-rate program.
- College libraries are not covered by the law according to the American Library Association (ALA).
- CIPA requires libraries to certify they have an Internet safety policy that includes technology protection measures. These measures must block or filter Internet access to images that are obscene, child pornography or harmful to minors.
- An "authorized person" can disable blocking or filtering to allow unfettered use by adults for "bona fide research or other lawful purposes," according to the FCC.
- The law doesn't require libraries to track Internet use by either minors or adults.

Strategies for CIPA

Libraries see themselves as champions of digital equity. Many are becoming community hubs, housing social workers and community programs, even helping patrons apply for public services.

The ALA calls this broader vision the “Es of libraries,” including education, employment, entrepreneurship, employment and engagement. For these reasons, many libraries have foregone E-rate and other federal funding.

CIPA’s provisions requiring Internet filtering don’t specify the technology to be used, according to the ALA: “Although the law clearly requires the use of filtering or blocking technology, it does not require the use of specific filtering software or services. Instead, CIPA requires schools or libraries covered by the new requirements to certify they are using technology that blocks or filters access to visual depictions of the type specified in the legislation.”¹

The word “visual” is important according to the ALA. Setting library web browsers to a “text-only” setting may address the requirements. As mentioned earlier, filtering technology can be turned off by library staff for adults, so long as what they are accessing doesn’t meet the legal definition of obscenity or involve child pornography.

That’s an approach reinforced by a 2003 Supreme Court ruling, which states that “the statute contains an important exception that limits the speech-related harm: It allows libraries to permit any adult patron access to an ‘over-blocked’ website or to disable the software

filter entirely upon request.”² Following that ruling, the FCC clarified that libraries don’t have to determine if adults are pursuing “bona fide research” but can simply turn off filtering at an adult’s request. Among the options libraries have considered:

- Blocking only the images on the page.
- Identifying and giving adults the option of filtered or unfiltered access.
- Opting adult patrons in to filtering when they first access library systems and allowing them to later opt out.
- Providing centralized filtering or maintaining a common white list across branches to simplify the management of Internet filtering.

Thankfully, modern filtering software is frequently updated by providers and has grown more sophisticated in the years since CIPA’s passage. So what once took lots of IT resources can now be easily addressed.

Resources

- [FCC CIPA Guidelines](#)
- [E-rate](#)
- [American Library Association \(ALA\)](#)
- [Texas State Library and Archives Commission](#)

Endnotes:

1. <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/advleg/federallegislation/cipa/cipaqa-1.pdf>

2. http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-188A1.pdf

This piece contains abbreviated content developed and written by the Center for Digital Education Content Studio for use in the brief CIPA and Libraries: Challenges and Opportunities, with information and input from Cisco. The information provided in this paper does not, and is not intended to, constitute legal advice; instead, all information is for general informational purposes only.

CIPA and E-rate

In 2014, the FCC modernized the E-rate program, increasing the annual spending cap and emphasizing broadband capacity and Wi-Fi. According to the ALA, the changes were beneficial to libraries. “For the first time in over 15 years, our libraries are assured of receiving funding.”

The result was that all libraries, whether in remote rural areas or urban centers, had access to much-needed funding for their in-building network requirements.

New changes for funding year 2021 provided uniform funding for urban and rural libraries at \$4.50 per square foot over the five-year funding cycle. This was expected to help rural libraries, since the previous amount for rural schools in 2014 was \$2.30 per square foot.

Changes also allocated funding at the library system and school district level, not to individual buildings. The ALA believes this allows libraries and districts to use their funding in the buildings or locations that need it the most.

CIPA requires libraries and schools which receive E-rate funding to be compliant with its regulations as a condition of receiving funding.

Get started

To begin your E-rate journey, visit:

[Cisco.com/go/erate](https://cisco.com/go/erate)