

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
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Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6 CC Docket No. 09-96
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**INITIAL COMMENTS ON THE PROPOSED CIPA REQUIREMENTS
FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE MECHANISM
(DA 10-102)**

The New York City Department of Education (NYCDOE) submits these Initial Comments in accordance with the FCC’s Public Notice released November 5, 2009 (DA 10-102).

The NYCDOE appreciates that the FCC, in its proposed enhancement to the Children’s Internet Protection Act, is allowing the school or district to define details of the proposed Internet safety training as well as allowing each applicant to self-certify its compliance when requesting E-rate funding. However, we have serious concerns regarding expectations for the implementation of this initiative.

I. Timing of Implementation

The next opportunity for applicants to certify to the CIPA requirements, including this new certification, would be on the FCC Form 486 for funding year 2009, which would typically be filed after the start of the 2009 funding year (i.e., after July 1, 2009).

The New York City Department of Education strongly recommends that school district certification of the revised *Protecting Children in the 21st Century Act* not be required before the 2011 funding year. In a school district the size and complexity of New York City, it is unrealistic to develop and implement a meaningful initiative for the 2010 funding year. Since we file E-rate as an LEA on behalf of more than 1500 public schools we must provide the guidance, resources, and oversight required to assure compliance with the revised act. From experience we know that significant challenges in developing and executing this type of initiative. Tasks include:

- Content must be defined and differentiated for students at all grade levels and of different abilities, including special needs students.

- Instructional materials have to be translated into several major languages for non-English speaking students.
- Lessons and/or activities have to be created that can be included in already busy instructional schedules.
- Content/lessons/activities/materials need to be tested, evaluated, and approved for district wide distribution.
- Funding needs to be appropriated for the entire effort.
- An evaluation process needs to be created and implemented, with findings used to modify the training where necessary.

While a seemingly modest enhancement of CIPA may be more easily implemented in a small school, it is a major undertaking in a school system of more than one million students, in 1500 schools that include tens of thousands of special needs and non-English speaking students.

II. Public Notice

The Commission proposes to add a rule provision requiring public notice and hearing to address any proposed Internet safety policy adopted pursuant to CIPA.

The NYCDOE is not opposing this proposed rule per se but would recommend that the Commission considers as part of this rule provision to allow for school districts whose existing CIPA policy went through a public hearing process need not be required to conduct further public hearings and seek formal public approval of the enhancement to the existing policy on Internet safety. In essence, allowing such school districts to follow its local policy change requirements in implementing the enhancement to its existing CIPA policy. We believe that the public hearing requirements of the proposed CIPA revisions are met if the execution of any district developed Internet safety lessons, activities, or materials are compliant with existing local public hearing policy and are consistent with understandings previously reached with the school district's students, parents, and local community.

We respectfully ask your consideration of these recommendations.

Ling Tan
NYCDOE