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August 13, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6

REQUEST FOR REVIEW of appeal to USAC

This is a request for you to review the USAC denial of our appeal of their denial of funding for a year 2004 funding request. Their denial took the form of zeroing out the commitment via a commitment adjustment letter.

APPEAL OF COMMITMENT ADJUSTMENT LETTER

This is an appeal of a Commitment Adjustment Letter dated April 02, 2012 for
YEAR 2004
FRN 1162916, 1163035, 1162991
Entity Faith Christian Elementary School
Entity#227087
471# 403352
FCC RN 0011911799

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Background:

Faith Christian had applied for Internet Access / Internal Connections for years 2003, 2004 and 2005. Over the years Faith had filled out 486s saying it “would be CIPA compliant” but never used the awards. The school was searching for a permanent home, tried several buildings but in the end realized they would be moving and didn’t want to waste its award. By the time they found a permanent building it was summer of 2007. At a meeting with parents that summer the principal Gloria Daniels-Hall told parents that they now had a new building and that she intended to put in the computer hardware she had been awarded. They would have internet access. She presented a filtering policy which included the installation of filtering software on the server.

Appeal:

According to your Adjustment Report, you’re denying this funding request because the school filled out the 2004 486 with the designation “will be CIPA compliant” but this option is only available the first year of funding approval for internet access or internal connections. The first year for Faith Christian was considered 2003 because she had requested though never used internal connections / internet access. We are appealing this decision because we feel the rules as enumerated on the USAC website don’t cover all situations and Faith Christian found itself in an undefined position. According to the published rules, full CIPA compliance includes 1. having an internet policy, 2. **implementing that policy** and 3. introducing that policy at a meeting. When Gloria Daniels-Hall, principal of Faith Christian was confronted with the CIPA certification on the 486, she didn’t understand how she could check that she was CIPA compliant. She took the second rule “implementing that policy” literally. She did not yet have internet access and had just installed the server that would house her filtering software. She had ordered the software but it had not come. She thought that since she couldn’t install the software yet she must not be compliant yet and therefore could not honestly sign “compliant”. The second choice on the form “will be CIPA compliant” seemed to exactly describe her situation (and in fact her filtering software was installed about two weeks later). In the attached letter to her reviewer, Kenneth Stibitz, May 30th 2008, she explains her thinking:

“Basically we never installed the LAN we were awarded in 2003 or took the internet access moneyTherefore it was not possible for us to become CIPA compliant.”

This sentence demonstrates what was in her mind. She couldn’t actually filter a non-existent internet connection. We have also included a current letter from Gloria Daniels-Hall acknowledging her misunderstanding.

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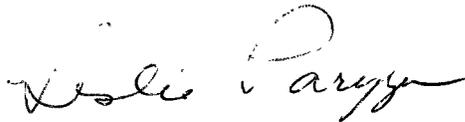
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The SLD could have helped Gloria Daniels-Hall of Faith Christian avoid this mistake:

1. The second rule requiring implementation of the policy could be worded to state implementation is required as soon as the infrastructure for internet access is in place.
2. The reviewer who clearly understood the policy and was aware of her confusion could have clarified the situation for her. She needed to know that having a policy and announcing it was enough if your infrastructure was not yet in place.
3. Some schools receive second year dispensations and perhaps that would have been possible for her.

This program is intended for use by principals and lay people, not lawyers and consultants. All the available options are not clearly laid out. Gloria Daniels-Hall is a woman with a Phd and a conscience. It is because she didn't want to violate the principles of the program that she selected "will be compliant" instead of "compliant". Ironically it is that selection that made her appear to be disregarding the rules. Gloria Daniels-Hall was doing everything expected of her to comply with the filtering policy. She made an error in applying the terminology on the 486 to her particular situation, but she never violated the rules of the program.

Leslie Paryzer
Quality Education



Included with this letter:

Letter from Gloria Daniels-Hall to Kenneth Stibitz May 30, 2008

Letter from Gloria Daniels-Hall May 10, 2012

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May 30, 2008

Kenneth Stibitz
CIPA Review – 486# 433540 – KS

Dear Mr. Stibitz,

We filled out the 486 correctly when we entered "will be CIPA compliant" on the year 2004 486. This is to explain why we have checked "will be CIPA compliant" in years 2005, 2003 and now 2004. The school has moved several times in the last few years. When we were awarded money we filed the 486 and said we would become CIPA compliant, however it became clear to us that we would be moving again and therefore we never took the money we had been awarded. Our statement on these 486's was based on plans for the future that never materialized. Basically we never installed the LAN we were awarded in 2003, or took the internet access money awarded in 2005. Therefore it was not possible for us to become CIPA compliant. It was not until the last few months that we accepted the year 2004 award and put in a network that requires censoring. This is actually the beginning of our first networked year.

I am resubmitting the 486 pages you asked for but I checked the same box, "will be CIPA compliant".

Sincerely,

Gloria Daniels-Hall

May 10, 2012

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To: USAC Schools & Libraries Correspondence Unit

Whippany, New Jersey

Re: Appeal of Faith Christian Decision o Application # 403352

Dear Sir:

In the summer of 2007 I found a location for Faith Christian after a four year search. I had been awarded funding in years 2003 and 2004 but never used them because I wanted to save them for a permanent place. I knew that once I had internet access I had to comply with filtering rules and as a principal of a church-based school for young girls I would never ignore this ruling.

My understanding of the rules was that I needed to meet 3 rules: 1. A filtering policy which I then 2. Announced at a school meeting and 3. Actually put in place on my computers. In accordance with this I announced a filtering plan at a parents' meeting where we discussed the new location and the installation, at last, of the equipment we had been awarded.

I had filled out a form 486 for the equipment for year 2003 but had never installed the equipment or internet access because I was not at a final location. I then filled out a 486 for 2004 and signed, once again, "will be CIPA compliant". The 486 was originally approved and then investigated. I told the reviewer that I had ordered the filtering equipment which would be in place in a couple of weeks. He seemed to want me to say that I "already was Cipa compliant" but I didn't see how I could say that when I had not fulfilled the third and most significant requirement.

I understand that you have never paid for the equipment because you believed me to be "not CIPA compliant". Now I realize that while I thought I was not compliant, I actually was. I had a filtering policy that I announced to my parents and that was all that was being asked.

Sincerely,



Gloria Daniels-Hall

Principal Faith-Christian through 2008