



New children's TV rules in US

After a long struggle, the FCC has set a new guideline for children's educational television programming. Angela Campbell reports.

More than twenty-five years after children's television advocates first asked the Federal Communications Commission, the regulatory body responsible for licensing television stations, to require television stations to air specific quantities of programming designed for children, the FCC has finally established a clear standard. The new guideline provides a strong incentive for each television station to air three hours per week of children's educational or informational programming.

History

From the earliest days of broadcasting, service to all substantial groups in a community was considered an essential ingredient of a broadcast licensee's public interest responsibilities. During the 1950s, when television first became widely available, stations aired a relatively large quantity and wide variety of children's programs.

In 1960, the FCC first recognised children's programming as a distinct program category. During the late 1960s, however, stations began cutting back on the amount of children's programming, particularly on weekdays. In 1970, Action for Children's Television (ACT) brought attention to the dearth of children's weekday programming by filing a Petition for Rulemaking with the FCC. ACT requested that broadcasters be required to provide daily children's programming totaling at least 14 hours per week. The FCC responded to this Petition by issuing the 1974 Policy Statement.

1974 Policy Statement

The 1974 Policy Statement put broadcasters on notice that they have a 'special obligation to serve children.' It explained that 'because of their

immaturity and their special needs, children require programming specifically designed for them.' It concluded that television licensees had an obligation under the Communication Acts to further the educational and cultural development of American children.

Noting that little educational and informational programming for children was being broadcast, the FCC stated that it expected to see an increase. It warned that upcoming license renewal applications should reflect a 'reasonable amount of programming which is designed to educate and inform – and not simply to entertain.' However, the FCC concluded that it was not necessary to adopt rules prescribing a set number of hours of children's programming.

In 1978, the FCC established a Children's Television Task Force to assess compliance with the Policy Statement. The Task Force concluded that broadcasters had failed to increase the amount of children's programming. Thus, it recommended that the FCC adopt, at least for the short term, mandatory program rules because of what it termed 'market failure.' However, the FCC failed to act on these recommendations that were made near the end of the Carter administration. In 1984, during the Reagan administration, the FCC rejected the imposition of any quantitative program requirements. It concluded that there was 'no national failure of access to children's programming that requires an across-the-board, national quota for each and every licensee to meet'. Indeed, it found no basis for regulatory involvement and seemed to go out of its way to lay out legal and practical objections to any quantitative requirements.

1990 Children's Television Act

Given the lack of responsiveness at the FCC, advocates for children's television turned to Congress. Timothy Wirth, chairman of the House Subcommittee on Telecommunications from 1981 to 1986 introduced several bills that would have imposed specific quantitative requirements as a condition of license renewal. These bills faced strong objections from the broadcasters but they ultimately led to the Children's Television Act of 1990. The Act requires the FCC, in reviewing applications for license renewal, 'to consider the extent to which the licensee has served the educational and informational needs of children through the licensee's overall programming, including some programming specifically designed to serve such needs'.

The FCC was charged with adopting rules to implement the Children's Television Act. Advocacy groups asked the FCC to adopt quantitative guidelines, but the FCC rejected this suggestion. Instead, the FCC merely required stations to keep publicly-available records describing their programming serving children's educational and informational needs and to submit a summary of their program records with their applications for license renewal.

In 1992 Georgetown University Law Center's Institute for Public Representation and the Center for Media Education (the successor organisation to Action for Children's Television), conducted a study of how stations were serving the educational and informational needs of children. They found that overall, television broadcasters were not making a serious effort to serve these needs.



Based on this study as well as its own review of license renewals, the FCC launched an inquiry to determine whether it should change its method of enforcing the CTA. After consideration of the comments, the FCC proposed three options:

1. further monitoring;
2. a processing guideline of 3 hours per week; and
3. a program standard of 3 hours per week.

Additional comments were filed in the autumn of 1995, but it took almost another year for the FCC to finally adopt rules.

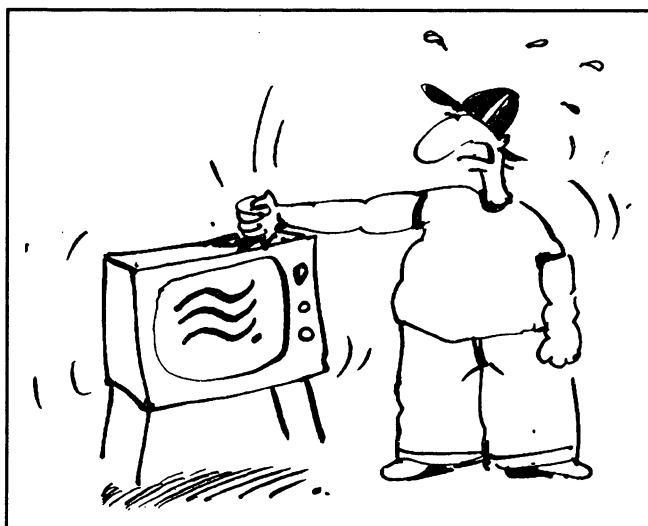
With the departure of one of the five FCC Commissioners in the Spring of 1996, the FCC was deadlocked. Finally, after President Clinton convened a White House Summit, a compromise was reached. Children's advocates and broadcast industry representatives hammered out a compromise, which was reflected in the rules issued by the FCC in August 1996. As part of the compromise, the broadcasters agreed not to challenge the constitutionality of the new regulations.

The Current Standards

The new regulations do not, on their face, require each station to air three hours per week of children's educational programming. Rather they establish 'processing guidelines' under which license renewal applications will be assessed. Television stations currently hold licenses for five years, at the end of which, they must file an application for renewal. Because the Telecommunications Act of 1996 extended license terms, future license terms will be for eight years. Given the value of a license, it is unlikely that any station would jeopardise its renewal by airing less than three hours.

Television stations must include in their license renewal application a description of their programming

which served the educational and informational needs of children. The FCC staff will assess this information using the processing guideline. Stations that have aired three hours per week of 'core' programming fall into Category A. Category B stations are those that have aired 'somewhat less' than three hours but have aired a package of different types of educational and information programming that demonstrates an equivalent level of commitment. Licensees who fall



into Category A or B will have their licenses renewed. Applicants that do not fit within either category will be referred to the FCC for a full opportunity to demonstrate compliance with the law.

To be counted toward the guideline, 'core' programming must meet six criteria:

1. have serving the educational and informational needs of children ages 16 and under as a significant purpose;
2. specify the educational objective of the program and target audience in writing in the station's children's program report;
3. be aired between 7:00 am and 10:00 pm;
4. be regularly scheduled;
5. be of substantial length, that is, at least 30 minutes; and
6. be identified as educational children's programming when aired,

such identification being provided to program guides.

Most of these criteria involve an objective inquiry. The first element, however, involves subjective judgment.

Unfortunately, the FCC gives little guidance on either point. Rather the FCC plans to rely on the 'good faith judgment' of broadcasters on whether programs have serving the educational and informational needs of children as a significant purpose.

The broadcasters' judgement, however, may be challenged by members of the public who can object to the license renewal.

The last three criteria are designed to help members of the public to more easily locate educational programming. The FCC reasons that if programming is regularly scheduled and standard-length, it is more likely to be listed in program guides. If parents know about such programming, they will encourage their children to watch it. With

greater audiences, broadcasters will have greater incentives to air, and programmers to supply, this type of programming.

Identification of programming as educational is also intended to improve the public's ability to monitor licensees' efforts and to complain when broadcasters are not meeting their responsibilities. The FCC has sought to encourage public participation by requiring stations to use standardised forms to report their programming efforts, to make these reports available at the station on a quarterly basis, and to appoint a children's television liaison person.

The first stations to seek license renewal under these guidelines will file their applications in February 1998. It remains to be seen whether the guidelines will operate as intended to increase the quantity and quality of program offerings for children.