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# Meeting Your Annual Children's Television Programming Reporting Obligations

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The deadline to file the 2023 Annual Children's Television Programming Report with the FCC is **January 30, 2024**, reflecting programming aired during the 2023 calendar year. In addition, commercial stations' documentation of their compliance with the commercial limits in children's programming during the 2023 calendar year must be placed in their Public Inspection File by **January 30, 2024**.

### Overview

The Children's Television Act of 1990 requires full power and Class A television stations to: (1) limit the amount of commercial matter aired during programs originally produced and broadcast for an audience of children 12 years of age and under, and (2) air programming responsive to the educational and informational needs of children 16 years of age and under. In addition, stations must comply with paperwork requirements related to these obligations.

Since its passage, the FCC has refined the rules relating to these requirements a number of times. The current rules provide broadcasters with flexibility that prior versions of the rules did not in scheduling educational children's television programming, and modify some aspects of the definition of "core" educational children's television programming. Quarterly filing of the commercial limits certifications and the Children's Television Programming Report have been eliminated in favor of annual filings.

### Commercial Television Stations
#### Commercial Limitations

The FCC's rules require that stations limit the amount of "commercial matter" appearing in programs aimed at children 12 years old and younger to 12 minutes per clock hour on weekdays and 10.5 minutes per clock hour on the weekend. The definition of commercial matter includes not only commercial spots, but also (i) website addresses displayed during children's programming and promotional material, unless they comply with a four-part test, (ii) websites that are considered "host-selling" under the Commission's rules, and (iii) program promos, unless they promote (a) children's educational/informational programming, or (b) other age-appropriate programming appearing on the same channel.

Licensees must upload supporting documents to the Public Inspection File to demonstrate compliance with these limits on an annual basis by **January 30** each year, covering the preceding calendar year. Documentation to show that the station has been complying with this requirement can be maintained in several different forms. It must, however, always identify the specific programs that the station believes are subject to the rules, and must list any instances of noncompliance.

## Core Programming Requirements

To help stations identify which programs qualify as "educational and informational" for children 16 years of age and under, and determine how much of that programming they must air to demonstrate compliance with the Children's Television Act, the FCC has adopted a definition of "core" educational and informational programming, as well as three different safe harbor renewal processing guidelines that establish a minimum of 156 hours of Core Programming that stations must air each year to receive a staff-level license renewal grant. Stations should document all Core Programming that they air, even where it exceeds the safe harbor minimums, to best present their performance at license renewal time.

The FCC generally defines "Core Programming" as television programming that has as a significant purpose serving the educational and informational needs of children 16 years old or under and airs between 6:00 a.m. and 10:00 p.m. In addition, commercial stations must also identify each core program by displaying an "E/I" symbol onscreen throughout the program. Licensees must also provide information identifying each core program they air to publishers of program guides, though they need not indicate a program's intended age range.

There are three ways to satisfy the Commission's renewal processing guidelines:

- **Category A1:** Stations can meet their obligation by airing at least three hours per week (as averaged over a six-month period) of Core Programming, all of which is regularly scheduled, weekly, and at least 30 minutes in length, during each of the four quarters of the year. To satisfy Category A1's three-hour-per-week minimum, at least two hours per week must air on the primary stream and up to one hour may air on a multicast stream.

- **Category A2:** Stations can meet their obligation by airing at least 26 hours per quarter (as averaged over a six-month period) of Core Programming, all of which is regularly scheduled, weekly, and at least 30 minutes in length, during each of the four quarters of the year, as well as an additional 52 hours per year of Core Programming that is at least 30 minutes in length, which need not be regularly scheduled (e.g., children's educational specials or school break programming). Stations may air 13 of their 26 hours per quarter of regularly scheduled, weekly Core Programming that is at least 30 minutes in length on their multicast stream. However, all Core Programming that is non-regularly scheduled and aired to satisfy the Category A2 minimum must air on the primary stream.

- **Category B:** Stations can meet their obligation by airing at least 26 hours per quarter (as averaged over a six-month period) of Core Programming, all of which is regularly scheduled, weekly, and at least 30 minutes in length, during each of the four quarters of the year, as well as an additional 52 hours per year of Core Programming which need not be at least 30 minutes in length or regularly scheduled (e.g., PSAs and interstitials). Stations may air 13 of their 26 hours per quarter of regularly scheduled, weekly Core Programming that is at least 30 minutes in length on their multicast stream. However, all Core Programming that is not at least 30 minutes in length or is non-regularly scheduled and aired to satisfy the Category B minimum must air on the primary stream.

These processing guidelines, as well as flexibility in the rules regarding rebroadcasts and the rescheduling of preempted programming, are intended to provide stations greater flexibility in scheduling children's television programming. However, they require that stations understand these requirements and document them accurately in their Annual Children's Television Programming Report filings.

## Filing the Children's Television Programming Report

The next Children's Television Programming Report must be filed electronically with the FCC by **January 30, 2024**. Broadcasters must file their Children's Television Programming Reports via the Licensing and Management System (LMS), accessible at **https://enterpriseefiling.fcc.gov/dataentry/login.html**. Once filed, the FCC's electronic filing system will automatically place the Children's Television Programming Report into the station's Public Inspection File. However, each station should confirm that has occurred to ensure that its Public Inspection File is complete.

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## Noncommercial Educational Television Stations

Because noncommercial educational television stations are precluded from airing commercials, the commercial limitation rules do not apply to them.  Accordingly, noncommercial television stations have no obligation to place commercial limits documentation in their Public Inspection File.  Similarly, though noncommercial stations are required to air programming responsive to the educational and informational needs of children 16 years of age and under, they do not need to complete Children's Television Programming Reports.  They must, however, maintain records of their own in the event their performance is challenged at license renewal time.  In the face of such a challenge, a noncommercial station will be required to have documentation available that demonstrates its efforts to meet the needs of children.

Please do not hesitate to contact the attorneys in the Communications Practice for specific advice on compliance with these rules or for assistance in preparing any of the above documentation.

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