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## 209 BOARD OF DIRECTORS' MANAGEMENT PROCEDURES

### 209.6 REVIEW AND REVISION OF POLICY

The board shall, at least once every five years, review board policy. Once the policy has been reviewed, even if no changes were made, a notation of the date of review is made on the face of the policy statement.

The board will review one-fifth of the policy manual annually according to the following subject areas:

- School District, ~~Board of Directors~~ Education Program (Series 100 and ~~200~~ 600)
- Board of Directors, Administration (Series 200 and 300)
- ~~Administration~~, Employees (~~Series 300 and~~ 400)
- Students (Series 500)
- ~~Education Program (Series 600)~~
- Non-instructional Operations and Business Services, Buildings and Sites, School District-Community Relations (Series 700, 800 and 900)

It is the responsibility of the superintendent to keep the board informed as to legal changes at both the federal and state levels. The superintendent will also be responsible for bringing proposed policy statement revisions to the board's attention.

If a policy is revised because of a legal change over which the board has no control or a change which is minor, the policy may be approved at one meeting at the discretion of the board.

Legal Reference: Iowa Code § 279.8 (2009).  
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Director  
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 3/18/10

## 415 EARLY RETIREMENT PROGRAM FOR CENTRAL LYON COMMUNITY SCHOOL DISTRICT

### 415.1 EARLY RETIREMENT INCENTIVE – LICENSED TEACHING STAFF

*Available for all eligible employees reaching the Rule of 88 in that year may elect.*

The Central Lyon Community School District shall provide the following benefits for early retirement:

1. Licensed teaching staff shall be eligible to elect early retirement if they meet the following criteria:
  - a. Have attained age 55 by June 30, of the eligible to elect year.
  - b. Meet the Rule 88 for IPERS, which is a combination of years of service and age.
  - c. Have completed the equivalent of 10 years of continuous full-time employment in the district.
2. This early retirement benefit is not available for persons who have received a notice of termination under chapter 279 of the *Iowa Code*, or on an intensive assistance, or are in a probationary status.
3. The early retirement benefit is not available to a person who is on an extended unpaid leave of absence.
4. Persons qualifying for this retirement shall receive as compensation a benefit equal to \$30,000 dollars (\$30,000), to be paid by the district to a Health Reimbursement. Arrangement to be used as directed by the employee for eligible medical expenses and premiums. Compensation will be distributed in the amount of \$6,000 per year for five (5) years.
5. This policy is available for eligible employees reaching the rule of 88 in the school year of election. Election must be made on the forms provided by **January 7<sup>th</sup>** of the year of retirement.
6. The medical insurance program may be modified on an annual basis by the District.
7. These early retirement benefits are a one-time benefit and any individual electing early retirement will be required to acknowledge that any future employment which is performed at the request of the District shall not entitle the employee to elect on a second occasion an early retirement benefit or claim any rights under the Age Discrimination in Employment Act.

\_\_\_\_\_  
Retiring Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Schools

\_\_\_\_\_  
Date

Approved 2/20/01

Reviewed 10/10/16

Revised 2/10/14

#### 415.1E1 APPLICATION FOR EARLY RETIREMENT – LICENSED TEACHING STAFF

The undersigned hereby makes application for early retirement benefits of the Central-Lyon Community School District in accordance with all requirements of the Central Lyon Board of Education Policy No. 415.1.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Age as of June 30, 20\_\_: \_\_\_\_\_

Full-time equivalent years of service: \_\_\_\_\_

Average Percent of Employment to 100%: \_\_\_\_\_

Benefits of \$30,000 (\$6,000 per year for five years) will be applied to the district's available Health Reimbursement Arrangement for use by retiree.

I hereby make this application on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ with the understanding I have seven (7) days to withdraw this application and forego the benefit amounts. I understand by withdrawing the application for early retirement benefits, it is not a guarantee of future employment with the District.

I represent I have been told to consult an attorney. I have not been pressured to sign.

I hereby waive any and all rights under the Older Workers Benefit and Protection Act and Age Discrimination In Employment Act (ADEA) and specifically release the District from any potential claims for age discrimination. I understand by making application for early retirement benefits that is a one-time benefit and not only am releasing the District from the statutory claims based on my age and current occupation but I am also giving to the District a covenant not to reapply with the District in the future. I understand that any future employment with the District would be available solely at the request of the District and that if I make application with the District and am not granted employment, I do not have any rights or claims under the Older Workers Benefit and Protection Act or the Age Discrimination In Employment Act.

I am asking the Board of Directors to consider this application as my resignation from current employment, which resignation will be effective June 30, 20\_\_.

\_\_\_\_\_  
Retiring Employee Date

This application was accepted by the Board of Directors this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Board Secretary Date

## 605 INSTRUCTIONAL MATERIALS

### 605.1 INSTRUCTIONAL MATERIALS SELECTION (option 1)

The board has sole discretion to approve instructional materials for the school district. This authority is delegated to licensed employees to determine which instructional materials, other than textbooks, will be utilized by and purchased by the school district.

In reviewing current instructional materials for continued use and in selecting additional instructional materials, licensed employees will consider the current and future needs of the school district as well as the changes and the trends in education and society. It is the responsibility of the superintendent to report to the board the action taken by licensed employees.

In the case of textbooks, the board will make the final decision after receiving a recommendation from the superintendent. The criteria stated above for selection of other instructional materials will apply to the selection of textbooks. The superintendent may develop another means for the selection of textbooks. Textbooks are reviewed as needed and at least every seven (7) years.

Education materials given to the school district must meet the criteria established above. The gift must be received in compliance with board policy.

***NOTE: This is a mandatory policy. The board may edit the policy and regulation to reflect its philosophy, goals and practices.***

Legal Reference: Iowa Code §§ 279.8; 280.14; 301.  
281 I.A.C. 12.3(12).

Cross Reference: 208 Ad Hoc Committees  
505 Student Scholastic Achievement  
602 Curriculum Development  
605 Instructional Materials

Approved 8/14/95

Reviewed 12/11/17

Revised 12/10/07

## ~~605.1—RECOMMENDED PROCEDURES FOR INSTRUCTIONAL MATERIALS SELECTION (option 2)~~

~~The board recognizes that the selection of instructional materials is a vital component of the school district's curriculum.~~

~~The board has sole discretion to approve instructional materials for the school district. The board delegates its authority to determine which instructional materials will be utilized and purchased by the school district to licensed employees. The licensed employees will work closely together to ensure vertical and horizontal articulation of textbooks in the education program.~~

~~The board may appoint an ad hoc committee for the selection of instructional materials. The committee may be composed of school district employees, parents, students, community members or representatives of community groups.~~

~~In reviewing current instructional materials for continued use and in selecting additional instructional materials, the licensed employees will consider the current and future needs of the school district as well as the changes and the trends in education and society. It is the responsibility of the superintendent to report to the board the action taken by the selection committee.~~

~~In making its recommendations to the superintendent, the licensed employees will select materials which:~~

- ~~• support the educational philosophy, goals and objectives of the school district;~~
- ~~• consider the needs, age, and maturity of students;~~
- ~~• are within the school district's budget;~~
- ~~• foster respect and appreciation for cultural diversity and difference of opinion;~~
- ~~• stimulate growth in factual knowledge and literary appreciation;~~
- ~~• encourage students to become decision makers, to exercise freedom of thought and to make independent judgment through the examination and evaluation of relevant information, evidence and differing viewpoints;~~
- ~~• portray the variety of careers, roles, and lifestyles open to persons of both sexes; and,~~
- ~~• increase an awareness of the rights, duties, and responsibilities of each member of a multicultural society.~~

~~In the case of textbooks, the board will make the final decision after a recommendation from the superintendent. The criteria stated above for selection of instructional materials will also apply to the selection of textbooks. The superintendent may appoint licensed employees to assist in the selection of textbooks.~~

~~Gifts of instructional materials must meet these criteria stated above for the selection of instructional materials. The gift must be received in compliance with board policy 704.4, "Gifts—Grants—Bequests."~~

***NOTE: This is a mandatory policy. The board may edit the policy and regulation to reflect its philosophy, goals and practices.***

~~Legal Reference: Iowa Code §§ 279.8; 280.3, .14; 301 (2013).  
281 I.A.C. 12.3(12).~~

~~Cross Reference: 209.1 Ad Hoc Committees  
505 Student Scholastic Achievement  
602 Curriculum  
605 Instructional Materials~~

Approved 8/14/95 Reviewed 12/11/17 Revised 12/10/07

## 605.1R1 SELECTION OF INSTRUCTIONAL MATERIALS

### I. Responsibility for Selection of Instructional Materials

- A. The board is responsible for matters relating to the operation of the Central Lyon Community School District.
- B. The responsibility for the selection of instructional materials is delegated to the professionally trained and licensed employees of the school system. For the purpose of this rule the term "instructional materials" includes printed and multimedia materials (not equipment), whether considered text materials or library materials. The board retains the final authority for the approval of textbooks.
- C. While selection of materials may involve many people including principals, teachers, teacher-librarian, students, parents; and community members and, the responsibility for coordinating the selection of most instructional materials and making the recommendation for the purchase rests with licensed employees.
- D. Responsibility for coordinating the selection of text materials for distribution to classes will rest with the licensed employees, principal and superintendent. For the purpose of this rule the term 'text materials' includes textbooks and other printed and ~~non-printed~~ nonprinted material provided in multiple copies for use of a total class or major segment of a class.
  - 1. If the board appoints an ad hoc committee to make recommendations on the selection of instructional materials, the ad hoc committee is formed and appointed in compliance with the board policy on Ad Hoc Committees.
  - 2. The superintendent will inform the committee as to their role and responsibility in the process.
  - 3. The following statement is given to the ad hoc committee members:

*Bear in mind the principles of the freedom to learn and to read and base your decision on these broad principles rather than on defense of individual materials. Freedom of inquiry is vital to education in a democracy.*

*Study thoroughly all materials referred to you and read available reviews. The general acceptance of the materials should be checked by consulting standard evaluation aids and local holdings in other schools.*

*Passages or parts should not be pulled out of context. The values and faults should be weighed against each other and the opinions based on the material as a whole.*

*Your report, presenting both majority and minority opinions, will be presented by the principal to the complainant at the conclusion of our discussion of the questioned material.*

### II. Material selected for use in libraries and classrooms will meet the following guidelines:

- A. Religion - Material will represent the major religions in a factual, unbiased manner. The primary source material of the major religions is considered appropriate, but material which advocates rather than informs, or is designed to sway reader judgment regarding religion, will not be included in the school libraries or classrooms.
- B. Racism - Material will present a diversity of race, custom, culture, and belief as a positive aspect of the nation's heritage and give candid treatment to unresolved intercultural problems, including those which involve prejudice, discrimination, and the undesirable consequences of withholding rights, freedom, or respect of an individual.
- C. Sexism - Material will reflect sensitivity to the needs, rights, traits and aspirations of men and women without preference or bias.

- D. Age - Material will recognize the diverse contributions of various age groups and portray the continuing contributions of maturing members of society.
- E. Ideology - Material will present basic primary and factual information on an ideology or philosophy of government which exerts or has exerted a strong force, either favorably or unfavorably, over civilization or society, past or present. This material will not be selected with the intention to sway reader judgment and is related to the maturity level of the intended audience.
- F. Profanity and Sex - Material is subjected to a test of literary merit and reality by the teacher-librarians and licensed staff who will take into consideration their reading of public and community standards of morality.
- G. Controversial issues materials will be directed toward maintaining a balanced collection representing various views.

The selection decision should be made on the basis of whether the material presents an accurate representation of society and culture, whether the circumstances depicted are realistically portrayed, or whether the material has literary or social value when the material is viewed as a whole.

These guidelines will not be construed in such a manner as to preclude materials which accurately represent the customs, morals, manners, culture, or society of a different time or a different place.

### III. Procedure for Selection

- A. Material purchased for libraries and classrooms is recommended for purchase by licensed employees, in consultation with administrative staff, school library staff, students or an ad hoc committee as appointed by the board. The material recommended for purchase is approved by the appropriate building administrator.
  - 1. The materials selected will support stated objectives and goals of the school district. Specifically, the goals are:
    - a. To acquire materials and provide service consistent with the demands of the curriculum;
    - b. To develop students' skills and resourcefulness in the use of libraries and learning resources;
    - c. To effectively guide and counsel students in the selection and use of materials and libraries;
    - d. To foster in students a wide range of significant interests;
    - e. To provide opportunities for aesthetic experiences and development of an appreciation of the fine arts;
    - f. To provide materials to motivate students to examine their own attitudes and behaviors and to comprehend their own duties and responsibilities as citizens in a pluralistic democracy;
    - g. To encourage life-long education through the use of the library; and,
    - h. To work cooperatively and constructively with the instructional and administrative staff in the school.
  - 2. Materials selected is consistent with stated principles of selection. These principles are:
    - a. To select material, within established standards, which will meet the goals and objectives of the school district;
    - b. To consider the educational characteristics of the community in the selection of materials within a given category;
    - c. To present the sexual, racial, religious and ethnic groups in the community by:
      - 1. Portraying people, both men and women, adults and children, whatever their ethnic, religious or social class identity, as human and recognizable, displaying a familiar range of emotions, both negative and positive.

2. Placing no constraints on individual aspirations and opportunity.
  3. Giving comprehensive, accurate, and balanced representation to minority groups and women - in art and science, history and literature, and in all other fields of life and culture.
  4. Providing abundant recognition of minority groups and women by showing them frequently in positions of leadership and authority.
  - d. To intelligently, quickly, and effectively anticipate and meet needs through awareness of subjects of local, national and international interest and significance; and,
  - e. To strive for impartiality in the selection process.
3. The materials selected will meet stated selection criteria. These criteria are:
- a. Authority-Author's qualifications - education, experience, and previously published works;
  - b. Reliability:
    1. Accuracy-meaningful organization and emphasis on content, meets the material's goals and objectives, and presents authoritative and realistic factual material.
    2. Current-presentation of content which is consistent with the finding of recent and authoritative research.
  - c. Treatment of subject-shows an objective reflection for the multi-ethnic character and cultural diversity of society.
  - d. Language:
    1. Vocabulary:
      - a. Does not indicate bias by the use of words which may result in negative value judgments about groups of people;
      - b. Does not use "man" or similar limiting word usage in generalization or ambiguities which may cause women to feel excluded or dehumanized.
    2. Compatible to the reading level of the student for whom it is intended.
  - e. Format:
    1. Book
      - a. Adequate and accurate index;
      - b. Paper of good quality and color;
      - c. Print adequate and well spaced;
      - d. Adequate margins;
      - e. Firmly bound; and,
      - f. Cost.
    2. Nonbook
      - a. Flexibility, adaptability;
      - b. Curricular orientation of significant interest to students;
      - c. Appropriate for audience;
      - d. Accurate authoritative presentation;
      - e. Good production qualities (fidelity, aesthetically adequate);
      - f. Durability; and,
      - g. Cost.
    3. Illustrations of book and ~~non-book~~ nonbook materials should:
      - a. Depict instances of fully integrated grouping and settings to indicate equal status and ~~non-segregated~~ nonsegregated social relationships.

- b. Make clearly apparent the identity of minorities;
  - c. Contain pertinent and effective illustrations;
- 4. Flexible to enable the teacher to use parts at a time and not follow a comprehensive instructional program on a rigid frame of reference.
- g. Special Features:
  - 1. Bibliographies.
  - 2. Glossary.
  - 3. Current charts, maps, etc.
  - 4. Visual aids.
  - 5. Index.
  - 6. Special activities to stimulate and challenge students.
  - 7. Provide a variety of learning skills.
- h. Potential use:
  - 1. Will it meet the requirement of reference work?
  - 2. Will it help students with personal problems and adjustments?
  - 3. Will it serve as a source of information for teachers and librarians?
  - 4. Does it offer an understanding of cultures other than the student's own and is it free of racial, religious, age, disability, ethnic, and sexual stereotypes?
  - 5. Will it expand students' sphere of understanding and help them to understand the ideas and beliefs of others?
  - 6. Will it help students and teachers keep abreast of and understand current events?
  - 7. Will it foster and develop hobbies and special interests interest?
  - 8. Will it help develop aesthetic tastes and appreciation?
  - 9. Will it serve the needs of students with special needs?
  - 10. Does it inspire learning?
  - 11. Is it relevant to the subject?
  - 12. Will it stimulate a student's interest?
- 4. Gifts of library or instructional materials may be accepted if the gift meets existing criteria for library and instructional materials. The acceptance and placement of such gifts is within the discretion of the board.
- 5. In order to provide a current, highly usable collection of materials, teacher-librarians will ensure constant and continuing renewal of the collection, not only the addition of up-to-date materials, but by the judicious elimination of materials which no longer meet school district needs or find use. The process of weeding instructional materials will be done according to established and accepted standards for determining the relevance and value of materials in a given context.

## 605.2 INSTRUCTIONAL MATERIALS INSPECTION

Parents and other members of the school district community may view the instructional materials used by the students. All instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any federally funded programs must be available for inspection by parents.

The instructional materials must be viewed on school district premises. Copies may be obtained according to board policy.

It is the responsibility of the superintendent to develop administrative regulations regarding the inspection of instructional materials.

***NOTE: This is a mandatory policy and reflects federal law on the subject of parental rights to inspect instructional materials.***

Legal Reference: Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).  
Iowa Code §§ 279.8; 280.3, .14; 301.  
281 I.A.C. 12.3(12).

Cross Reference: 602 Curriculum Development  
605 Instructional Materials  
901.1 Public Examination of School District Records

Approved 8/14/95

Reviewed 12/11/17

Revised 12/10/07

### 605.3 OBJECTION TO INSTRUCTIONAL MATERIALS

Members of the school district community may object to the instructional materials utilized in the school district and ask for their use to be reconsidered.

It is the responsibility of the superintendent, in conjunction with the principals, to develop administrative regulations for reconsideration of instructional materials.

***NOTE: This is a mandatory policy. The board may edit the policy and regulation to reflect its philosophy, goals and practices.***

Legal Reference: Iowa Code §§ 279.8; 280.3, .14; 301.  
281 I.A.C. 12.3(12).

Cross Reference: 213 Public Participation in Board Meetings  
402.5 Public Complaints About Employees  
602 Curriculum Development  
605 Instructional Materials

Approved 8/14/95

Reviewed 12/11/17

Revised 12/10/07

## 605.3R1 RECONSIDERATION OF INSTRUCTIONAL MATERIALS REGULATION

- A. A member of the school district community may raise an objection to instructional materials used in the school district's education program despite the fact that the individuals selecting such material were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material.
1. The school official or employee receiving a complaint regarding instructional materials will try to resolve the issue informally. The materials generally will remain in use pending the outcome of the reconsideration procedure.
    - a. The school official or employee initially receiving a complaint will explain to the individual the board's selection procedure, criteria to be met by the instructional materials, and qualifications of those persons selecting the material.
    - b. The school official or employee initially receiving a complaint will explain to the individual the role of the objected material in the education program, its intended educational purpose, and additional information regarding its use. In the alternative, the employee may refer the individual to the teacher-librarian who can identify and explain the use of the material.
  2. The employee receiving the initial complaint will advise the building principal of the initial contact no later than the end of the school day following the discussion with the individual, whether or not the individual has been satisfied by the initial contact. A written record of the contact is maintained by the principal in charge of the attendance center. Each building principal shall inform employees of their obligation to report complaints.
  3. In the event the individual making an objection to instructional materials is not satisfied with the initial explanation, the individual is referred to the principal or to the teacher-librarian of the attendance center. If, after consultation with the principal or teacher-librarian, the individual desires to file a formal complaint, the principal or teacher-librarian will assist in filling out a Reconsideration Request Form in full and filing it with the superintendent.
- B. Request for Reconsideration
1. A member of the school district community may formally challenge instructional materials on the basis of appropriateness used in the school district's education program. This procedure is for the purpose of considering the opinions of those persons in the school district and the community who are not directly involved in the selection process.
  2. Each attendance center and the school district's central administrative office will keep on hand and make available Reconsideration Request Forms. Formal objections to instructional materials must be made on this form.
  3. The individual will state the specific reason the instructional material is being challenged. The Reconsideration Request Form is signed by the individual and filed with the superintendent.
  4. The superintendent will promptly file the objection with the reconsideration committee for re-evaluation.
  5. Generally, access to challenged instructional material will not be restricted during the reconsideration process. However, in unusual circumstances, the instructional material may be removed temporarily by following the provisions of Section B.6.d. of this rule.
  6. The Reconsideration Committee
    - a. The reconsideration committee is made up of eight members.
      - (1) One licensed employee designated annually, as needed, by the superintendent.
      - (2) One teacher-librarian designated annually by the superintendent.

- (3) One member of the administrative team designated annually by the superintendent.
  - (4) Three members of the community appointed annually, as needed, by the board.
  - (5) Two high school students, selected annually by the high school principal.
- b. The committee will select their chairperson and secretary.
  - c. The committee will meet at the request of the superintendent.
  - d. Special meetings may be called by the board to consider temporary removal of materials in unusual circumstances. A recommendation for temporary removal will require a two-thirds vote of the committee.
  - e. Notice of committee meetings is made public through appropriate publications and other communications methods.
  - f. The committee will receive the completed Reconsideration Request Form from the superintendent.
  - g. The committee will determine its agenda for the first meeting which may include the following:
    - (1) Distribution of copies of the completed Reconsideration Request Form.
    - (2) An opportunity for the individual or a group spokesperson to talk about or expand on the Reconsideration Request Form.
    - (3) Distribution of reputable, professionally prepared reviews of the challenged instructional material if available.
    - (4) Distribution of copies of the challenged instructional material as available.
  - h. The committee may review the selection process for the challenged instructional material and may, to its satisfaction, determine that the challenge is without merit and dismiss the challenge. The committee will notify the individual and the superintendent of its action.
  - i. At a subsequent meeting, if held, interested persons, including the individual filing the challenge, may have the opportunity to share their views. The committee may request that individuals with special knowledge be present to give information to the committee.
  - j. The individual filing the challenge is kept informed by the reconsideration committee secretary on the status of the Reconsideration Request Form throughout the reconsideration process. The individual filing the challenge and known interested parties is given appropriate notice of meetings.
  - k. At the second or a subsequent meeting the committee will make its final recommendation. The committee's final recommendation may be to take no removal action, to remove the challenged material from the school environment, or to limit the educational use of the challenged material. The sole criterion for the final recommendation is the appropriateness of the material for its intended educational use. The written final recommendation and its justification are forwarded to the board, the individual and the appropriate attendance centers. The superintendent may also make a recommendation but if so, it should be independent from the committee's.

Following the superintendent's decision with respect to the committee's recommendation, the individual or the chairperson of the reconsideration committee may appeal the decision to the board for review. Such appeal must be presented to the superintendent in writing within five days following the announcement of the superintendent's decision. The board will promptly determine whether to hear the appeal.

- l. A recommendation to sustain a challenge will not be interpreted as a judgment of irresponsibility on the part of the individuals involved in the original selection or use of the material.

- m. Requests to reconsider materials which have previously been reconsidered by the committee must receive approval of two-thirds of the committee members before the materials will again be reconsidered.
- n. If necessary or appropriate in the judgment of the committee, the committee may appoint a subcommittee of members or nonmembers to consolidate challenges and to make recommendations to the full committee. The composition of this subcommittee will approximate the representation of the full committee.
- o. Committee members directly associated with the selection, use, or challenger of the challenged material are excused from the committee during the deliberation of the challenged instructional materials. The superintendent may appoint a temporary replacement for the excused committee member, but the replacement must be of the same general qualifications as the member excused.
- p. Persons dissatisfied with the decision of the board may appeal to the Iowa Board of Education pursuant to state law.

## 605.3E1 INSTRUCTIONS TO THE RECONSIDERATION COMMITTEE

The policy of this school district related to selection of learning materials states that any member of the school district community may formally challenge instructional materials used in the district's education program. This policy allows those persons in the school and the community who are not directly involved in the selection of materials to make their own opinions known. The task of the reconsideration committee is to provide an open forum for discussion of challenged materials and to make an informed recommendation on the challenge. The meetings of the committee may be subject to the open meetings law.

The most critical component of the reconsideration process is the establishment and maintenance of the committee's credibility in the community. For this purpose, the committee is composed of community members. The community should not, therefore, infer that the committee is biased or is obligated to uphold prior professional decisions. For this same reason, a community member will be selected to chair the committee.

The reconsideration process, the task of this committee, is just one part of the selection continuum. Material is purchased to meet a need. It is reviewed and examined, if possible, prior to purchase. It is periodically re-evaluated through updating, discarding, or re-examination. The committee must be ready to acknowledge that an error in selection may have been made despite this process. Librarians and school employees regularly read great numbers of reviews in the selection process, and occasional errors are possible.

In reconsidering challenged materials, the role of the committee, and particularly the chairperson, is to produce a climate for ~~disagreement~~ agreement. The committee should begin by finding items of agreement, keeping in mind that the larger the group participating, the greater the amount of information available and, therefore, the greater the number of possible approaches to the problem.

If the complainant chooses, the complainant may make an oral presentation to the committee to expand and elaborate on the complaint. The committee will listen to the complainant, to those with special knowledge, and any other interested persons. In these discussions, the committee should be aware of relevant social pressures which are affecting the situation. Individuals who may try to dominate or impose a decision must not be allowed to do so. Minority viewpoints expressed by groups or individuals must be heard, and observers must be made to feel welcome. It is important that the committee create a calm, nonvolatile environment in which to deal with a potentially volatile situation. To this end, the complainant will be kept informed of the progress of the complaint.

The committee will listen to the views of all interested persons before making recommendations. In deliberating its recommendation, the committee should remember that the school system must be responsive to the needs, tastes, and opinions of the community it serves. Therefore, the committee must distinguish between broad community sentiment and attempts to impose personal standards. The deliberations should concentrate on the appropriateness of the material. The question to be answered by the committee is, "Is the material appropriate for its designated audience at this time?"

The committee's final recommendation will be (1) to remove the challenged material from the total school environment, (2) to take no removal action, or (3) to agree on a limitation of the educational use of the materials.

The committee chairperson will instruct the secretary to convey the committee's recommendation to the office of the superintendent. The recommendation should detail the rationale on which it was based. A letter will be sent to the complainant outlining the outcome.

605.3E2 RECONSIDERATION OF INSTRUCTIONAL MATERIALS

RECONSIDERATION REQUEST FORM

Request for re-evaluation of printed or multimedia material to be submitted to the superintendent.

REVIEW INITIATED BY:

DATE: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

School(s) in which item is used \_\_\_\_\_

Relationship to school (parent, student, citizen, etc.) \_\_\_\_\_

BOOK OR OTHER PRINTED MATERIAL IF APPLICABLE:

Author \_\_\_\_\_ Hardcover \_\_\_\_\_ Paperback \_\_\_\_\_ Other \_\_\_\_\_

Title \_\_\_\_\_

Publisher (if known) \_\_\_\_\_

Date of Publication \_\_\_\_\_

MULTIMEDIA MATERIAL IF APPLICABLE:

Title \_\_\_\_\_

Producer (if known) \_\_\_\_\_

Type of material (filmstrip, motion picture, etc.) \_\_\_\_\_

PERSON MAKING THE REQUEST REPRESENTS: (circle one)

Self

Group or Organization

Name of group \_\_\_\_\_

Address of Group \_\_\_\_\_

1. What brought this item to your attention?

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2. To what in the item do you object? (please be specific; cite pages, or frames, etc.)

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3. In your opinion, what harmful effects upon students might result from use of this item?

---

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4. Do you perceive any instructional value in the use of this item?

---

---

5. Did you review the entire item? If not, what sections did you review?

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---

6. Should the opinion of any additional experts in the field be considered?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

If yes, please list specific suggestions: \_\_\_\_\_

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7. To replace this item, do you recommend other material which you consider to be of equal or superior quality for the purpose intended?

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8. Do you wish to make an oral presentation to the Review Committee?

\_\_\_\_\_ Yes (a) Please contact the Superintendent

(b) Please be prepared at this time to indicate the approximate length of time your presentation will require. Although this is no guarantee that you'll be allowed to present to the committee, or that you will get your requested amount of time.

\_\_\_\_\_ Minutes.

\_\_\_\_\_ No

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signature

### 605.3E3 SAMPLE LETTER TO INDIVIDUAL CHALLENGING INSTRUCTIONAL MATERIALS

Dear:

We recognize your concern about the use of \_\_\_\_\_ in our school district. The school district has developed procedures for selection of instructional materials but realizes that not everyone will agree with every selection made.

To help you understand the selection process, we are sending copies of the school district's:

1. Instructional goals and objectives,
2. Instructional Materials Selection policy statement, and
3. Procedure for reconsideration of instructional materials.

If you are still concerned after you review this material, please complete the Reconsideration Request Form and return it to me. You may be assured of prompt attention to your request. If I have not heard from you within one week, we will assume you no longer wish to file a formal complaint.

Sincerely,

#### 605.4 TECHNOLOGY AND INSTRUCTIONAL MATERIALS

The board supports the use of innovative methods and the use of technology in the delivery of the education program. The board encourages employees to investigate economical ways to use utilize multi-media, computers, and other technologies as a part of the curriculum.

It is the responsibility of the superintendent to develop a plan for the use of technology in the curriculum and to evaluate it annually. The superintendent will report the results of the evaluation and make a recommendation to the board annually regarding the use of technology in the curriculum.

***NOTE: This is a mandatory policy and reflects the educational standards.***

Legal Reference: Iowa Code § 279.8  
281 I.A.C. 12.3(12), 12.5(10), .5(17)

Cross Reference: 602 Curriculum Development  
605 Instructional Materials

Approved 8/14/95

Reviewed 12/11/17

Revised 12/10/07

## 605.5 SCHOOL LIBRARY

The school district will maintain a school library in each building for use by employees and by students during the school day.

Materials for the centers libraries will be acquired according to board policy, "Instructional Materials Selection."

It is the responsibility of the principal of the building in which the school library is located to oversee the use of materials in the library.

It is the responsibility of the superintendent to develop procedures for the selection and replacement of both library and instructional materials, for the acceptance of gifts, for the weeding of library and instructional materials, and for the handling of challenges to either library or classroom materials.

***NOTE: This is a mandatory policy and reflects the educational standards.***

Legal Reference: Iowa Code §§ 256.7(24); 279.8; 280.14; 301.  
281 I.A.C. 12.3(11), (12).

Cross Reference: 602 Curriculum Development  
605 Instructional Materials

Approved 8/14/95

Reviewed 12/11/17

Revised 12/10/07

## 605.6 INTERNET - APPROPRIATE USE

Because technology is a vital part of the school district curriculum, the Internet will be made available to employees and students. Appropriate and equitable use of the Internet will allow employees and students to access resources unavailable through traditional means.

Students will be able to access the Internet through their teachers. Individual student accounts and electronic mail addresses will be issued to students. If a student already has an electronic mail address, the student may be permitted to use the address to send and receive mail at school.

The Internet can provide a vast collection of educational resources for students and employees. It is a global network which makes it impossible to control all available information. Because information appears, disappears and changes constantly, it is not possible to predict or control what students may locate. The school district makes no guarantees as to the accuracy of information received on the Internet. Although students will be under teacher supervision while on the network, it is not possible to constantly monitor individual students and what they are accessing on the network. Some students might encounter information which may not be of educational value. Student Internet records and access records are confidential records treated like other student records. Students' Internet activities will be monitored by the school district to ensure students are not accessing inappropriate sites that have visual depictions that include obscenity, child pornography or are harmful to minors. The school district will use technology protection measures to protect students from inappropriate access, including sites that include obscenity, child pornography or are harmful to minors.

The school district will monitor the online activities of students and will educate students about appropriate online behavior, including interacting on social networking sites and chat rooms. Students will also be educated on cyberbullying, including awareness and response. Employees will provide age appropriate training for students who use the Internet. The training provided will be designed to promote the school district's commitment to:

- The standards and acceptable use of Internet services as set forth in the Internet Safety Policy;
- Student safety with regard to:
  - safety on the Internet;
  - appropriate behavior while on online, on social networking Web sites, and
  - in chat rooms; and
  - cyberbullying awareness and response.
- Compliance with the E-rate requirements of the Children's Internet Protection Act

Employees and students will be instructed on the appropriate use of the Internet. Parents will be required to sign a permission form to allow their students to access the Internet. Students will sign a form acknowledging they have read and understand the Internet Acceptable Use policy and regulations, that they will comply with the policy and regulations, and that they understand the consequences for violation of the policy or regulations

In compliance with federal law, this policy will be maintained at least five years beyond the termination of funding under the Children's Internet Protection Act (CIPA) or E-rate.

***Note: This is a mandatory policy. Parents must give permission to allow their children to access the internet according to the policy language; and districts are obligated to provide education/training on the safe use of the internet for students.***

Legal References: 47 C.F.R 54.520

Iowa Code § 279.8

Cross References:   104    Anti-Bullying/Harassment  
                          502    Student Rights and Responsibilities  
                          506    Student Records  
                          605.5  School Library

Approved 2/10/97

Reviewed 12/11/17

Revised 10/14/13

## 605.6R1 INTERNET - APPROPRIATE USE REGULATION

### I. Responsibility for Internet Appropriate Use.

- A. The authority for appropriate use of electronic Internet resources is delegated to the licensed employees.
- B. Instruction in the proper use of the Internet will be available to employees who will then provide similar instruction to their students.
- C. Employees are expected to practice appropriate use of the Internet, and violations may result in discipline up to, and including, discharge.

### II. Internet Access.

- A. Access to the Internet is available to teachers and students as a source of information and a vehicle of communication.
- B. Students will be able to access the Internet through their teachers. Individual student accounts and electronic mail addresses will be issued to students at this time.
  - 1. Making Internet access available to students carries with it the potential that some students might encounter information that may not be appropriate for students. However, on a global network, it is impossible to control all materials. Because information on the Internet appears, disappears and changes, it is not possible to predict or control what students may locate.
  - 2. It is a goal to allow teachers and students access to the rich opportunities on the Internet, while we protect the rights of students and parents who choose not to risk exposure to questionable material.
  - 3. The smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines which require efficient, ethical and legal utilization of network resources.
  - 4. To reduce unnecessary system traffic, users may use real-time conference features such as talk/chat/Internet relay chat only as approved by the supervising teacher.
  - 5. Transmission of material, information or software in violation of any board policy or regulation is prohibited.
  - 6. System users will perform a virus check on downloaded files to avoid spreading computer viruses.
  - 7. The school district makes no guarantees as to the accuracy of information received on the Internet.

### III. Permission to Use Internet - Annually, parents will grant permission for their student to use the Internet using the prescribed form.

### IV. Student Use of Internet.

- A. Equal Opportunity - The Internet is available to all students within the school district through teacher access. The amount of time available for each student may be limited by the number of available terminals and the demands for each terminal.
- B. On-line Etiquette.
  - 1. The use of the network is a privilege and may be taken away for violation of board policy or regulations. As a user of the Internet, students may be allowed access to other networks. Each network may have its own set of policies and procedures. It is the user's responsibility to abide by the policies and procedures of these other networks.

2. Students should adhere to on-line protocol:
  - a. Respect all copyright and license agreements.
  - b. Cite all quotes, references and sources.
  - c. Remain on the system long enough to get needed information, then exit the system.
  - d. Apply the same privacy, ethical and educational considerations utilized in other forms of communication.
3. Student access for electronic mail will be through their own account. Students should adhere to the following guidelines:
  - a. Others may be able to read or access the mail so private messages should not be sent.
  - b. Delete unwanted messages immediately.
  - c. Use of objectionable language is prohibited.
  - d. Always sign messages.
  - e. Always acknowledge receipt of a document or file.
- C. Restricted Material - Students will not intentionally access or download any text file or picture or engage in any conference that includes material which is obscene, libelous, indecent, vulgar, profane or lewd; advertises any product or service not permitted to minors by law; constitutes insulting or fighting words, the very expression of which injures or harasses others; or presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- D. Unauthorized Costs - If a student gains access to any service via the Internet which has a cost involved or if a student incurs other types of costs, the student accessing such a service will be responsible for those costs.

#### V. Student Violations--Consequences and Notifications.

Students who access restricted items on the Internet are subject to the appropriate action described in board policy or regulations or the following consequences:

1. First Violation - A verbal and written "Warning" notice will be issued to the student. The student may lose Internet access for a period of 2 weeks at the discretion of the supervising teacher. A copy of the notice will be mailed to the student's parent and a copy provided to the building principal.
2. Second Violation - A verbal and written "Second Violation" notice will be issued to the student. A copy of the notice will be sent to the student's parent and a copy provided to the building principal. The student will forfeit all Internet privileges for a minimum period of 6 weeks.
3. Third Violation - A verbal and written "Third Violation" notice will be issued to the student. A copy of the notice will be sent to the student's parent and a copy provided to the building principal. The student will forfeit all Internet privileges for 18 weeks or for the balance of the school year.

## 605.6E1 INTERNET ACCESS PERMISSION LETTER TO PARENTS

Your child has access to the Internet. The vast domain of information contained within Internet's libraries can provide unlimited opportunities to students.

Students will be able to access the Internet through their teachers. Individual student accounts and electronic mail addresses will be issued to students at this time. If a student already has an electronic mail address, he/she may be permitted to use the address to send and receive mail at school.

Students will be expected to abide by the following network etiquette:

- The use of the network is a privilege and may be taken away for violation of board policy or regulations. As a user of the Internet, students may be allowed access to other networks. Each network may have its own set of policies and procedures. Students will abide by the policies and procedures of these other networks.
- Students will respect all copyright and license agreements.
- Students will cite all quotes, references, and sources.
- Students will only remain on the system long enough to get needed information.
- Students will apply the same privacy, ethical and educational considerations utilized in other forms of communication.
- Student access for electronic mail will be through their own account. Students should adhere to the following guidelines:
  - Others may be able to read or access the mail, so private messages should not be sent.
  - Delete unwanted messages immediately.
  - Use of objectionable language is prohibited.
  - Always sign messages.
  - Always acknowledge receipt of a document or file.
- Students accessing Internet services that have a cost involved will be responsible for payment of those costs.

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Please sign the form if you would like your child to be granted Internet access and return the permission form to your child's school.

Student Name \_\_\_\_\_ Grade \_\_\_\_\_

School \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(Parent or guardian's signature)

If you have granted your child Internet access, please have them respond to the following:

I have read the expected network etiquette and agree to abide by these provisions. I understand that violation of these provisions may constitute suspension or revocation of Internet privileges.

I agree to be responsible for payment of costs incurred by accessing any Internet services that have a cost involved.

\_\_\_\_\_  
(Student signature)

## 605.6E2 INTERNET APPROPRIATE USE VIOLATION NOTICE

Student: \_\_\_\_\_

Teacher: \_\_\_\_\_

Date: \_\_\_\_\_

Students who access restricted items on the Internet are subject to the appropriate action described in the school's discipline policy or student handbook or to the following consequences:

\_\_\_\_\_ First Offense:

The above student has violated the Student Internet Policy by intentionally accessing restricted material. He/she may lose Internet access for up to three weeks at the discretion of the supervising teacher. A second offense will result in the student losing Internet access for a period of two (2) weeks.

\_\_\_\_\_ Second Offense:

The above student has violated the Student Internet Policy by intentionally accessing restricted material for a second time. As a consequence of this violation the above student has lost Internet access for a period of six (6) weeks.

\_\_\_\_\_ Third Offense:

The above student has violated the Student Internet Policy by intentionally accessing restricted material for a third time. As a consequence of this violation the above student has forfeited all Internet privileges for a period of eighteen (18) weeks or the balance of the school year.

## 605.7 USE OF INFORMATION RESOURCES

In order for students to experience a diverse curriculum, the board encourages employees to supplement their regular curricular materials with other resources. In so doing, the board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for plagiarism, unauthorized copying or using of media, including, but not limited to, print, electronic and web-based materials, unless the copying or using conforms to the "fair use" doctrine. Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research providing that all fair use guidelines are met.

While the school district encourages employees to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of employees to abide by the school district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for school district staff to violate copyright requirements in order to perform their duties properly. The school district will not be responsible for any violations of the copyright law by employees or students. Violation of the copyright law by employees may result in discipline up to, and including, termination. Violation of the copyright law by students may result in discipline, up to and including, suspension or expulsion.

Parents or others who wish to record, by any means, school programs or other activities need to realize that even though the school district received permission to perform a copyrighted work does not mean outsiders can copy it and re-play it. Those who wish to do so should contact the employee in charge of the activity to determine what the process is to ensure the copyright law is followed. The school district is not responsible for outsiders violating the copyright law or this policy.

Any employee or student who is uncertain as to whether reproducing or using copyrighted material complies with the school district's procedures or is permissible under the law should contact the principal who will also assist employees and students in obtaining proper authorization to copy or use protected material when such authorization is required.

It is the responsibility of the superintendent, in conjunction with the principal to develop administrative regulations regarding this policy.

***Note: This is a mandatory policy. The policy is based upon federal law. It is strongly recommended the board seek legal counsel prior to making substantive edits to the policy and sample regulation.***

Legal References: 17 U.S.C. § 101 et al.  
281 I.A.C. 12.3(12).

Cross References: 605.6 Internet Appropriate Use

Approved XX/XX/XX

Reviewed XX/XX/XX

Revised XX/XX/XX

## 605.7R1 USE OF INFORMATION RESOURCES REGULATION

Employees and students may make copies of copyrighted materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the publisher or producer with the assistance of the principal. Employees and students who fail to follow this procedure may be held personally liable for copyright infringement and may be subject to discipline by the board.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

- Purpose and Character of the Use – The use must be for such purposes as teaching or scholarship.
- Nature of the Copyrighted Work – The type of work to be copied.
- Amount and Substantiality of the Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- Effect of the Use Upon the Potential Market for or value of the Copyrighted Work – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

### **Authorized Reproduction and Use of Copyrighted Material Reminders:**

- Materials on the Internet should be used with caution since they may, and likely are, copyrighted.
- Proper attribution (author, title, publisher, place and date of publication) should always be given.
- Notice should be taken of any alterations to copyrighted works, and such alterations should only be made for specific instructional objectives.
- Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

In preparing for instruction, a teacher may make or have made a single copy of:

- A chapter from a book;
- An article from a newspaper or periodical;
- A short story, short essay or short poem; or,
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

A teacher may make multiple copies not exceeding more than one per pupil, for classroom use or discussion, if the copying meets the tests of "brevity, spontaneity and cumulative effect" set by the following guidelines. Each copy must include a notice of copyright.

- Brevity
  - A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words;
  - Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less may be copied; in any event, the minimum is 500 words;
  - Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph;
  - One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied. "Special" works cannot be reproduced in full; this includes children's books combining poetry, prose

or poetic prose. Short special works may be copied up to two published pages containing not more than 10 percent of the work.

- Spontaneity – Should be at the “instance and inspiration” of the individual teacher when there is not a reasonable length of time to request and receive permission to copy.
- Cumulative Effect – Teachers are limited to using copied material for only one course for which copies are made. No more than one short poem, article, story or two excerpts from the same author may be copied, and no more than three works can be copied from a collective work or periodical column during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

### **Copying Limitations**

Circumstances will arise when employees are uncertain whether or not copying is prohibited. In those circumstances, the principal should be contacted. The following prohibitions have been expressly stated in federal guidelines:

- Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
- Unless expressly permitted by agreement with the publisher and authorized by school district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.
- Employees shall not:
  - Use copies to substitute for the purchase of books, periodicals, music recordings, consumable works such as workbooks, computer software or other copyrighted material. Copy or use the same item from term to term without the copyright owner's permission;
  - Copy or use more than nine instances of multiple copying of protected material in any one term;
  - Copy or use more than one short work or two excerpts from works of the same author in any one term;
  - Copy or use protected material without including a notice of copyright. The following is a satisfactory notice: NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.
  - Reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.
  - Require other employees or students to violate the copyright law or fair use guidelines.

### **Authorized Reproduction and Use of Copyrighted Materials in the Library**

A library may make a single copy or three digital copies of:

- An unpublished work in its collection;
- A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.
- A work that is being considered for acquisition, although use is strictly limited to that decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A library may provide a single copy of copyrighted material to a student or employee at no more than the actual cost of photocopying. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.

### **Authorized Reproduction and Use of Copyrighted Music or Dramatic Works**

Teachers may:

- Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;
- Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song;
- In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.
- Make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal;
- Make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and,
- Edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical or dramatic works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of nondramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided that:

- The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and,
- Admission fees are used for educational or charitable purposes only.

All other musical and dramatic performances require permission from the copyright owner. Parents or others wishing to record a performance should check with the sponsor to ensure compliance with copyright.

### **Recording of Copyrighted Programs**

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately. Certain programming such as that provided on public television may be exempt from this provision; check with the principal or the subscription database, e.g. unitedstreaming.

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the 10 day period.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

#### **Authorized Reproduction and Use of Copyrighted Computer Software**

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the authors of software programs, the school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs. To this end, the following guidelines shall be in effect:

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a back-up copy that will be used for replacement purposes only;
- A copy of the software license agreement shall be retained by the *technology director*; and,
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

#### **Fair Use Guidelines for Educational Multimedia**

Students may incorporate portions of copyrighted materials in producing educational multimedia projects such as videos, Power Points, podcasts and web sites for a specific course, and may perform, display or retain the projects.

Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:

- In face-to-face instruction;
- In demonstrations and presentations, including conferences;
- In assignments to students;
- For remote instruction if distribution of the signal is limited;
- Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or,
- In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.

The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;

- Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

Fair use does not include posting a student or teacher's work on the Internet if it includes portions of copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online. The opening screen of such presentations shall include notice that permission was granted and materials are restricted from further use.

**NOTE: For copyright notices and more information, please go to Heartland AEA website:**  
**<http://www.iowaaeaonline.org/vnews/display.v/SEC/Educators%7CCopyright%3E%3EStudents>**