

INSTRUCTIONAL MATERIALS SELECTION

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 6 years.

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

The superintendent will establish additional criteria to guide the selection of instructional materials through administrative regulation, ensuring alignment with educational goals and compliance with laws.

Legal Reference: Iowa Code §§ 279.8; .74; 280.3, .14; 301.
281 I.A.C. 12.3(12).

I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa Code 279.74	<u>Powers and Duties - Specific Defined Concepts</u>

I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>

Cross References

Code	Description
208	<u>Ad Hoc Committees</u>
208-E(1)	<u>Ad Hoc Committees - Exhibit</u>

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Revised _____

INSTRUCTIONAL MATERIALS SELECTION
SELECTION OF INSTRUCTIONAL MATERIALS REGULATION

I. Responsibility for Selection of Instructional Materials

- A. The board is responsible for matters relating to the operation of the District.
- B. The responsibility for the selection of instructional materials is delegated to the professionally trained and licensed employees of the school system.
- C. While selection of materials may involve many people including principals, teacher-librarian, students, parents and community members, 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 instructional materials for distribution to classes will rest with the licensed employees, principal and superintendent.
- E. 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.
 - 1. The superintendent will inform the committee as to their role and responsibility in the process.
 - 2. 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.

In the event material is challenged, 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 any religions in a factual, unbiased manner. The primary source material of 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. Required material will comply with all applicable laws.
- C. Sexism - Material will reflect sensitivity to the needs, rights, traits and aspirations of individuals without preference or bias. Required materials will comply with all applicable laws.
- 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 complies with all applicable laws and 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 are 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 racial, religious and ethnic groups in the community by:
 1. Portraying people, 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 others 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 nonbook materials should:
 - a. Depict instances of fully integrated grouping and settings to indicate equal status and nonsegregated social relationships.
 - b. Make clearly apparent the identity of minorities;
 - c. Contain pertinent and effective illustrations;

d. Flexible to enable the teacher to use parts at a time and not follow a comprehensive instructional program on a rigid frame of reference.

f. 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.

g. 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, gender identity 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 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.
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I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa Code 279.74	<u>Powers and Duties - Specific Defined Concepts</u>

I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>
Cross References	

Code	Description
208	<u>Ad Hoc Committees</u>
208-E(1)	<u>Ad Hoc Committees - Exhibit</u>

Approved _____

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Revised _____

INSTRUCTIONAL AND LIBRARY MATERIALS INSPECTION AND DISPLAY

Parents and other members of the school district community may view the instructional and library 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.

Instructional and library materials may be viewed on school district premises.

The district will publish on the district's website a comprehensive list of all books available to students in libraries operated by the school district.

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

NOTE: The federally funded programs portion of this policy is mandatory policy and reflects federal law on the subject of parental rights to inspect instructional materials.

NOTE: The publication requirement listed is a legal requirement. Until July 1, 2025, if districts do not currently use electronic library catalogs, the district may request a waiver from the Department of Education from this requirement.

Legal Reference: Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).
Iowa Code §§ 279.8; 74; 280.3, .14; 301.
281 I.A.C. 12.3(12).

I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa Code 279.74	<u>Powers and Duties - Specific Defined Concepts</u>
I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>
Cross References	

Code

Description

901

Public Examination of School District
Records

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OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS

Members of the school district community may object to the instructional and library 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. Information related to the process for reconsideration of instructional and library materials will be made available on the district’s website.

Parents or guardians of students enrolled in the district have the ability to request that their student not be able to access certain instructional material or check out certain library materials./ For purposes of prohibiting access to instructional materials, Iowa law has defined instructional materials to mean either printed or electronic textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or district for use by students in the student’s classes by the teacher of record. Instructional materials does not include lesson plans.

NOTE: This is a mandatory policy, including the language allowing parents or guardians to request their student not be provided with certain instructional materials. The district is required to provide this policy and accompanying regulation/exhibits to parents at least annually either in paper or electronic form. The board may edit the policy and regulation to reflect its philosophy, goals and practices.

Legal Reference: Iowa Code §§ 279.8; 74; 77; 280.3, .14; 301.
281 I.A.C. 12.3(12).

I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa Code 279.74	<u>Powers and Duties - Specific Defined Concepts</u>

I.A.C. Iowa Administrative Code	Description
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	I.C. Iowa Code	Description
281 I.A.C. 12.3		<u>Administration</u>
Cross References		

	Code	Description
213		<u>Public Participation in Board Meetings</u>

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OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS –
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. While the individuals recommending the selection of such material were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material; the district must be ready to acknowledge that an error in selection may have been made despite this process. School employees regularly read great numbers of reviews in the selection process, and occasional errors are possible.

1. The complainant will address the complaint at the lowest organizational level of licensed staff. Often this will be the classroom teacher.

2. The school official or employee receiving a complaint regarding instructional or library materials will try to resolve the issue at the lowest organizational level. 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 district'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.

c. The school official or employee receiving the initial complaint will direct the complainant to complete the Request for Reconsideration of Instructional and Library Materials Form, and notify the building level principal of receipt of the complaint within two school days after the reconsideration form is received. Schools officials will offer to assist the complainant in completing the form, but if a complainant refuses to complete the form, the complaint will be deemed invalid and no further action taken.

B. Request for Reconsideration

1. A member of the school district community may formally challenge instructional and library 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 Request for Reconsideration of Instructional and Library Materials Forms.

3. The individual will state the specific reason the instructional or library material is being challenged. The Request for Reconsideration of Instructional and Library Materials Form is signed by the individual and filed with the building-level principal.

4. The building-level principal will promptly file the objection with the Superintendent for re-evaluation.

5. The Superintendent will convene a reconsideration committee within two weeks of receipt of the Reconsideration Form.

6. The committee will make their recommendation to the Superintendent within five school days of meeting.

7. The Superintendent will issue a decision related to the Reconsideration Request Form within 5 school days of receipt of the committee's recommendation. A copy of the Superintendent's decision will be provided to the complainant.

8. An appeal of the Superintendent's decision may be filed with the board secretary within five days of the Superintendent's decision. The board will determine whether to hear the appeal at the next regular meeting or within 30 days of the Superintendent's decision, whichever is later. If the board elects to hear the appeal, the board will act to affirm, modify or reverse the decision of the Superintendent. The board's decision will be communicated to the complainant. The board's decision will be deemed final.

9. 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.10.d. of this rule.

10. 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.
- 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. The committee may be subject to applicable open meetings and public records laws. Notice of the committee meeting is made public through appropriate communication methods as required by law.
- f. The committee will receive the completed Reconsideration Request Form from the superintendent.
- g. The committee will determine its agenda for the 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 will determine whether 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.

i. 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 superintendent, the complainant and the appropriate attendance centers.

j. The individual filing the challenge is kept informed by the Superintendent of the status of the reconsideration request throughout the reconsideration process. The individual filing the challenge and known interested parties are given appropriate notice of meetings as required by law.

k. Following the superintendent's decision with respect to the committee's recommendation, the individual may appeal the decision to the board for review.

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 consolidate related challenges, or decline to hear multiple challenges to the same materials. Generally, the committee will not hear subsequent challenges to the same materials within the same school year.

I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa Code 279.74	<u>Powers and Duties - Specific Defined Concepts</u>
I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>
Cross References	
Code	Description
213	<u>Public Participation in Board Meetings</u>

Approved _____

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REQUEST TO PROHIBIT A STUDENT FROM ACCESSING SPECIFIC INSTRUCTIONAL MATERIALS

Request to prohibit a student from checking out certain instructional materials to be submitted to the superintendent. Please complete one form per student.

REQUEST INITIATED BY _____ DATE _____

Name _____

Address _____

City/State _____ Zip Code _____ Telephone _____

Name of affected Student _____

Requester's Relationship to Student (must be parent/legal guardian)

BOOK OR OTHER PRINTED MATERIAL TO PROHIBIT STUDENT FROM ACCESSING:

Author _____ Hardcover _____ Paperback _____ Other _____

Title _____

Publisher (if known) _____

Date of Publication _____

MULTIMEDIA MATERIAL TO PROHIBIT STUDENT FROM ACCESSING:

Title _____

Producer (if known) _____

Type of material (filmstrip, motion picture, etc.) _____

Dated

Signature

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 libraries will be acquired consistent with all applicable laws and board policy, "Instructional Materials Selection." The district shall provide access to all parents and guardians of students enrolled in the district an online catalog of all books available to students in the school libraries. This access will be displayed on the school district's website. Any challenges to library materials will be handled following the process for handling challenges to instructional and library materials as established in board policy.

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, and for the weeding of library and instructional materials.

NOTE: This is a mandatory policy and reflects the educational standards. Districts who do not currently have online library catalog software may request a waiver from the DE for the requirement to post a list. Waivers may be accepted until July 1, 2025.

Legal Reference: Iowa Code §§ 256.7(24); 256.11(9); 279.8, .50; 280.6, 14; 301.
281 I.A.C. 12.3(11), (12).

I.C. Iowa Code	Description
Iowa Code § 256.11	<u>DE - Educational Standards</u>
Iowa Code § 256.7	<u>DE - Duties of State Board</u>
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 301	<u>Textbooks</u>
Iowa code § 280.6	<u>Religious Books</u>
Iowa Code §279.50	<u>Directors Powers & Duties - Human Growth and Development Instruction</u>
I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>

Cross References

	Code	Description
	605.06	<u>Internet - Appropriate Use</u>
	605.06-R(1)	<u>Internet - Appropriate Use - Regulation</u>
	605.06-E(1)	<u>Internet - Appropriate Use - Internet Access Permission Letter to Parents</u>
	605.06-E(2)	<u>Internet - Appropriate Use - Violation Notice</u>

Approved _____

Reviewed _____

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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 teacher or teacher-librarian. 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 building principal or teacher-librarian 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 building principal or teacher-librarian or the subscription database, e.g. united streaming.

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/or the teacher-librarian; 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, PowerPoints, 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.

The building principal, technology director, and teacher-librarian is responsible for ensuring that appropriate warning devices are posted. The warnings are to educate and warn individuals using school district equipment of the copyright law. Warning notices must be posted:

- *On or near copiers;*
- *On forms used to request copying services;*
- *On video recorders;*
- *On computers; and,*
- *At the library and other places where interlibrary loan orders for copies of materials are accepted.*

I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.3	<u>Administration</u>
U.S.C. - United States Code	Description
17 U.S.C. § 101 et al	<u>Copyrights</u>
Cross References	
Code	Description
605.06	<u>Internet - Appropriate Use</u>
605.06-R(1)	<u>Internet - Appropriate Use - Regulation</u>
605.06-E(1)	<u>Internet - Appropriate Use - Internet Access Permission Letter to Parents</u>
605.06-E(2)	<u>Internet - Appropriate Use - Violation Notice</u>

Approved _____

Reviewed _____

Revised _____

