



**LIBRARY
PROCEDURE
HANDBOOK**

**“PREPARING TODAY’S STUDENTS FOR
TOMORROW’S CHALLENGES”**

MAY, 2004

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**FOR MORE DETAILED INFORMATION REFER TO THE SOURCES USED
IN PREPARING THIS HANDBOOK:**

**Copyright for Schools: Third Edition. by Carol Simpson
Worthington, Ohio: Linworth Publishing, 2001.**

**Policy Manual for Deer Park Independent School District: sections
EFA and EFE and all accompanying materials**

PHILOSOPHY

The resources of a school library media center should provide each student the opportunity to find appropriate library media to meet his/her needs for information and leisure learning experiences at the level and in the format best suited for that learner. The library should offer a wide variety for individual choice. In the selection of library media for the Deer Park Independent School District libraries, the librarians implement the district stated philosophy and goals and adhere to the School Library Bill of Rights in Appendix A. (The term *library media* refers to both print and nonprint material.)

Specifically, the objectives of selection guidelines are as follows:

- To provide library media that will support and enrich the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the pupils and staff to be served.
- To provide library media that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- To provide library media expressing a variety of viewpoints on issues so that young citizens may develop under guidance the practice of critical analysis of all media.
- To provide library media which will promote a lifelong interest and pleasure in recreational reading as well as continuing individual search for knowledge.
- To provide library media representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
- To place principle above personal opinion and reason above prejudice in the selection of library media of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.
- To provide a sufficient quantity of library media in each school library so that the previously stated objectives can be achieved.
- To embrace the use of a wide, up-to-date variety of instructional technology and electronic media to deliver the most current curricula for enhancing the processes of reading, writing, and thinking.

Additionally, resources such as guest speakers, visiting authors, the world wide web and interlibrary loan of non local material, should be available to students who seek to expand their knowledge. Teaching students to become intelligent consumers of information is our primary goal.

SELECTION OF LIBRARY MEDIA

I. TYPES OF LIBRARY MEDIA

The library media to be selected using this policy include all print and nonprint library media, including books, paperback books, periodicals, journals, online databases, audio-visual library media, computer software, ephemeral library media, and other teaching devices and kits.

II. RESPONSIBILITY

The Board of Trustees, having ultimate responsibility for the selection of library media for the district's libraries, delegates this responsibility to the Superintendent of Schools. The Superintendent shall rely on the staff under his/her authority to carry out this selection using the procedure outlined below.

III. PROCEDURE

- A. The librarian will be in charge of ordering all library media to be housed in the library in his/her building.
- B. All orders for library media will require a signature of approval by the building principal.
- C. Suggestions may be solicited from parents, students, and professional staff members in the building regarding library media to be purchased. These suggestions are to be carefully considered by the librarian using his/her expertise. The librarian will not be limited or bound by these suggestions.
- D. The librarian may consult with members of specific departments or grade levels regarding library media requiring more expertise in a particular academic discipline.
- E. Whenever possible library media shall be selected using standard selections tools, personal examination, or both.

IV. CRITERIA FOR FICTION

- A. Suitability: Library media should be selected to reflect the range of maturity, abilities and interests of the student body. Library books will be evaluated on the basis of individual merit. Procedures for reconsideration will be implemented upon request.
- B. Variety: A wide variety of different kinds of fiction should be available. Popular appeal may be considered, but classics should not be neglected.

- C. Quality: Library media should adhere to the standards of good literature.
 - 1. Writing: Library media should be well written with carefully chosen words and well crafted sentences.
 - 2. Plot: The plot should be structured so as to move the story in a logical sequence of events to a believable ending.
 - 3. Characters: The characters should be authentic and portrayed in ways consistent with their roles.
- D. Values: Library media, for the most part, should attempt to affirm positive values, such as courage, honesty, and friendship, in dealing with situations and problems encountered in real life. Derogatory stereotyping of groups should be avoided.

V. CRITERIA FOR NON-FICTION

- A. Suitability: Library media should be selected to reflect the range of maturity, abilities and interests of the student body
- B. Purpose: Library media should support the scope and sequence of the curriculum and units of instruction developed in the school. Library media that stimulate and sustain intellectual curiosity should be included.
- C. Quality: Library media should demonstrate current research and authoritative scholarship. Clarity, accuracy, and good organization should be in evidence. Illustrative library media should be ample, clear and appropriate.

VI. CRITERIA FOR NONPRINT

In addition to meeting the criteria for fiction or non-fiction library media, nonprint library media should be selected while considering these additional criteria.

- A. Technical Quality: Library media should exhibit clear visuals, tone fidelity, clarity, intelligibility, effective color use, unified composition and complete synchronization of sound and image.
- B. Physical Characteristics: Library media should possess durability and should offer ease in handling and storage as well as ease in repairing damage. Minimum instruction should be required for individual use.
- C. Special Features: Descriptive notes, teachers and/or users guides and other pertinent accompanying material add to the value of nonprint media.

VII. SELECTION TOOLS

Library media will be selected from favorable reviews or recommendations in professionally respected periodicals, books, and other sources.

VIII. GIFTS

- A. Donations will be accepted with the understanding that the librarian may add them to the collection, give them to another collection, return them to the donor, or dispose of them.
- B. Acceptance of library media will be determined by the librarian on the basis of the selection policy and on the basis of their suitability to the library's purpose.
- C. Gifts will be courteously and promptly acknowledged. Memorial plates may be affixed to the library media.
- D. The form for acceptance of donations is found in Appendix G.

IX. REVIEW OF LIBRARY MEDIA

The continuous and systematic review of library media is necessary as a means of maintaining active library collections of value and interest to users. In the process, library media may be added; and physically deteriorated or obsolete library media may be replaced or removed in accordance with the collection maintenance policy. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development.

- A. Benefits
 - 1. Enhances collection's reputation for currency and reliability
 - 2. Provides continuous check on the need for mending and binding
 - 3. Provides constant feedback on the collection's strengths and weaknesses
- B. Criteria
 - 1. Worn and damaged library media
 - 2. Superseded editions
 - 3. Unnecessary duplication
 - 4. Outdated and inaccurate library media
 - 5. Inappropriate format or reading level

C. Procedure

1. Library media may be reviewed continuously or periodically
2. Subject area teachers may be called upon for input in the screening process
3. Discarded titles will be deaccessioned and physically removed from the collection
4. Discarded library media will be clearly marked to identify them as discards

X. RECONSIDERATION OF LIBRARY MEDIA

- A. The Board of Trustees subscribes in principle to the statements of policy on philosophy as expressed in the American Library Association LIBRARY BILL OF RIGHTS (See Appendix A). This subscription in no way commits the Board of Trustees of the Deer Park Independent School District to support financially, or in any other way, the American Library Association or the Library Bill of Rights.
- B. No duly selected library media whose appropriateness is challenged shall be removed from the school except upon the completion of the following procedures:
1. All complaints to staff members regarding library media shall be reported to the building principal and librarian, whether received by telephone, letter or in personal conversation.
 2. The librarian shall contact the complainant as soon as possible to discuss the complaint and attempt to resolve it informally.
 3. If the complaint is not resolved informally, the complainant shall be supplied with a copy of the district's philosophy statement and library media selection procedure. This packet will also include a request for reconsideration form (See Appendix C: Request for Reconsideration of Library Media), which shall be completed and returned before consideration will be given to the complaint.
 4. If the request for Reconsideration form has not been received by the librarian within two weeks, it shall be considered closed. If the form is returned, the Media Review Committee will be convened within two weeks from the date the request was received.
 5. Pending the outcome of the Request for Reconsideration, parents making the complaint can deny their child (or children) access to the questioned library media.

6. Upon receipt of a completed Reconsideration form, the principal will appoint and call together a Media Review Committee of five to consider the complaint. This committee shall consist of an instructional supervisor, the principal, the librarian, a teacher, and a parent.
7. The committee shall meet to discuss the media, following the guidelines set forth in Instructions to Media Review Committee (See Appendix D) and shall prepare a report on the library media containing their recommendations on disposition of the matter. The committee recommendation on this library media should be decided by a majority vote of the committee.
8. The principal shall notify the complainant of the decision and send a formal report to the Assistant Superintendent for Instruction. If the complaint is judged to be valid, the principal will see that the recommended changes are made.
9. If the complainant is still not satisfied, he/she may ask the Superintendent to present an appeal to the Board of Trustees which shall make a final determination of the issue. The Board of Trustees may seek assistance from outside organizations such as the American Library Association, the Association for Supervision and Curriculum Development, etc., in making its determination.

GENERAL PHOTCOPYING GUIDELINES

I. SINGLE COPYING FOR INSTRUCTORS

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. MULTIPLE COPIES FOR CLASSROOM USE

Multiple copies (not to exceed more than one copy per student in course) may be made by or for the instructor for classroom use or discussion that

- A. The copying meets the brevity, spontaneity, and cumulative effect tests as defined below; and,
- B. Each copy includes a notice of copyright.

III. DEFINITIONS

- A. Brevity
 - 1. Poetry: (a) a complete poem is less than 250 words and if printed of not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words. These limits may be expanded to permit an unfinished line.
 - 2. Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words, or 10% of the work, whichever is less, but in any event a minimum of 500 words. These limits may be expanded to permit the completion of an unfinished prose paragraph.
 - 3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

4. “Special works: Certain works in poetry, prose, or “poetic prose,” which often combine language with illustrations and often are intended for children, may not be reproduced in their entirety even if they contain less than 2,500 words. However, an individual may reproduce an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text.

B. Spontaneity

1. The copying is at the instance and inspiration of the individual teacher, and
2. The decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be reasonable.

C. Cumulative effect

1. A teacher may make no more than one copy per student for each section that he or she teaches.
2. More than one short poem, article, essay or two excerpts may be copied from the same author. Not more than three may be copied from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of multiple copying for one course during one class term.
4. The limitations stated in III(c)(2) and III(c)(3) shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

IV. PROHIBITIONS

Notwithstanding the previously described permissible uses, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts from these works are accumulated or reproduced and used separately.
- B. No individual may copy works intended to be “consumable.” These include workbooks, exercises, standardized tests, test booklets and answer sheets, and consumable material.

- C. Copying shall not:
 - 1. Substitute for the purchase of books, publishers' reprints or periodicals; or
 - 2. Be repeated with respect to the same item by the same teacher from term to term.

- D. No employee of the district may charge any student beyond the actual cost of the photocopying.

- E. No department chairman, dean, or other administrator may direct an instructor to reproduce copyrighted library media for instructional purposes.

GUIDELINES FOR COPYING MUSIC
FOR EDUCATIONAL USE

I. PERMISSIBLE COPYING

- A. Emergency copying is allowed to replace purchased copies which for any reason are not available for an imminent performance, provided purchased replacement copies are substituted thereafter. Emergency copies should be destroyed when replacements arrive.
- B. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per student. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
- C. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- D. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- E. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted material may be made from sound recordings owned by the District or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the District or individual teacher. (This pertains to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

II. PROHIBITIONS

- A. Copying to create, replace or substitute for anthologies, compilations or collective works.
- B. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
- C. Copying for the purpose of performance, except as in (I)(A) above.

- D. Copying for the purpose of substituting for the purchase of music, except in (I)(A) and (I)(B) above.
- E. Copying without inclusion of the copyright notice appearing on the printed copy.

GUIDELINES FOR VIDEOTAPING BROADCAST PROGRAMMING FOR EDUCATIONAL USE

- I. An authorized school employee, teacher, or student may simultaneously record a broadcast transmission (including simultaneous cable retransmission). The District or teacher may retain a recording for 45 consecutive calendar days after the date of recording. Of that 45 days, students may view the program only during the first 10 school days (once for instruction and once for reinforcement). The remaining days may be used for review to reach a decision regarding inclusion in the curriculum. These “fair use” rules apply only to programs taped off regular broadcast channels. Check program guides and cable-in-education periodicals for specific details on cable or satellite programs. Upon expiration of the retention period, the recording must be erased or destroyed.
- II. Off-air recordings may be made only at the request of and use of individual teachers for instructional purposes. A teacher may repeat a showing once for instructional reinforcement and review on campus or in the home of a student receiving formalized instruction, within the first 10 days of the retention period.
- III. Off-air recordings may be made only at the request of and use 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.
- IV. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
- V. A teacher may use the off-air recording during the 45 day retention period for teacher evaluation purposes, i.e., to determine whether to include the broadcast program in the teaching curriculum in the future. The recording may not be used for student exhibition or any other non-evaluation purpose without authorization of the copyright holder.
- VI. No employee shall alter the original content of the recording. Off-air recordings may not be physically or electronically combined or merged to create teaching anthologies or compilations.
- VII. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

GUIDELINES FOR USING AUDIO-VISUAL MATERIALS

Teachers shall ensure that selected audio-visual materials will be used for educational purposes only and that all legal and local policies are followed when audio-visual materials are shown to students.

ALL of these five requirements must be met for the performance to be considered acceptable under the “fair use” exemption for schools:

1. The performing organization must be a non-profit educational institution; **and**
2. The performance must be presented by instructors or pupils; **and**
3. The performance must occur in the course of face-to-face teaching activities: **and**
4. The performance must take place in a classroom or similar place for instruction (including the library); **and**
5. The performance must be of a legally acquired (or legally copied) copy of the work. (The presenter is protected from liability for illegal copies IF the presenter is unaware that the copies were not legally acquired or made.)

Board Policies EFA and EFE are in Appendix H in their entirety. Teachers should be familiar with these policies and adhere to their letter and intent.

GUIDELINES FOR VIDEO DISTRIBUTION

These systems, housed in the school libraries, shall not put the serving librarian at legal risk if any of the following three documents from requesting teachers are on file:

1. If the tape is owned by the library, a copy of teacher’s lesson plans showing the link between the lesson and the video will be submitted.
2. If the tape is rented from a local video store, a form from the teacher showing that the fair use requirements of the law have been met will be submitted.
3. If the tape was taped off-air, the teacher must submit a verification of fair compliance. (See page 12 for off-air definition and restrictions)

The preceding material on video distribution was taken from the following source:

Simpson, Carol. Copyright for Schools: Third Edition. Worthington, Ohio:

Linworth Publishing, 2001.

GUIDELINES FOR MULTIMEDIA

“Multimedia Works” refers to productions including copyrighted materials. Any multimedia production in which the teacher or student creates ALL the components would be totally under the control of the creator and the District.

Multimedia works created by students may be used in the class for which they were created, and retained in portfolios maintained by the student for job interviews, college applications, etc.

Teachers may use the multimedia presentations they, themselves create in face-to-face instruction, or they may assign students to view the presentations on their own. Teachers may display their own multimedia programs at conferences and workshops, and they may retain them in portfolios for job interviews, evaluations, etc. for a period of two years without renewing the permission on EACH portion of copyrighted material. An educator may make only two copies (including the original) of the multimedia work. Copies that are lost or stolen may be replaced. If more than one person co-authors the work, each may have one copy.

The four tests for fair use (listed below) plus one additional criteria must be used with all multimedia works created by teachers and students. **The added criteria is:** all copyrighted materials used in multimedia works must be properly cited and all multimedia works may be used only in support of the education of students.

The four tests for fair use are:

1. The purpose and character of the use, including whether such use is of a commercial nature, or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

The new agreement on Fair Use Guidelines for Educational Multimedia provides the concrete limits on the types and amounts of material that may be included in works created by teachers and students. The quantity limits per single year/term are as follows:

Motion media (film, video, television) – up to 10% or 3 minutes, whichever is less, of an individual program.

Text (prose, poetry, play, etc.) – up to 10% or 1000 words, whichever is less, of a novel, story, play or long poem. Short poems less than 250 words may be used in their entirety. Only three poems by one poet or five poems by different poets from an anthology may be used. For poems longer than 250 words, only three excerpts from one poet or five from works by different poets in an anthology are permitted.

Music, lyrics, and music video – up to 10% but not more than 30 seconds from a single work (or combined from separate extracts of a work). It makes no difference if the work is being used as a musical work on its own, or it is an incidental accompaniment to some visual material. If a video clip has music in the background and you can't separate the music from the visual material, you will be restricted by the 30 second limitation for music. If the music is altered in any way, the fundamental melody must be maintained and the basic character of the work should be preserved.

Illustrations, cartoons and photographs – a work may be used in its entirety but only if no more than five images from a single artist or photographer are used in a multimedia work. In addition, if images are taken from a single collective work, no more than 10% or 15 images may be used.

Numerical data sets (computer databases or spreadsheets) – up to 10% or 2500 fields or cells, whichever is less, may be used from a copyrighted database.

Other restrictions

The opening screen of the multimedia work and any accompanying printed materials must contain a notice that the work contains copyrighted materials that have been used under the fair use exemption of the U. S. Copyright Law.

While teachers and students may make alterations to copyrighted material if the purpose is to support specific educational objectives, the author must clearly indicate that such alterations have been made.

The preceding material was taken from the following source:

Simpson, Carol. Copyright for Schools: Third Edition. Worthington, Ohio:
Linworth Publishing, 2001.

GUIDELINES FOR DISTANCE LEARNING

While fair use of audiovisual materials is permitted in face-to-face teaching, they are not automatically allowed when the teacher and the students are in different locations. Once the students are removed from the presence of the teacher, the fair use exemptions fall away. The original section 110(2) of the U.S. Copyright Law was established when real time television was the only medium for distance learning. The newer technology, such as Internet-based distance classes, is severely restricted under this act. Until new rules regarding copyright are enacted, these are “best practices” when using copyright protected materials in distance learning:

1. Instructors may show pictures, charts, graphs, text, and other non-motion media as long as the works are “non-dramatic.” “Dramatic” literary works such as plays may not be read or performed.
2. Instructors may play “non-dramatic” musical works, such as concerts, rock music, and instrumental music of many types, but not opera or musicals since they are “dramatic.”
3. This section of the law specifically excludes audiovisual works, so films, videos, and filmstrips may not be permitted in distance learning situations.

The above suggestions are based on section 110(2), which deals with distance learning; however one may also apply the four tests of fair use to a proposed use. If the four-test analysis comes out favorably, an educator might prefer to claim a use was fair on the general fair use coverage rather than the specific rules of distance learning.

The preceding material was taken from the following source:

Simpson, Carol. Copyright for Schools: Third Edition. Worthington, Ohio:
Linworth Publishing, 2001.

MICROCOMPUTER SOFTWARE

I. GUIDELINES FOR EDUCATIONAL USE OF MICROCOMPUTER SOFTWARE

The Deer Park Independent School District recognizes that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and diminish incentives for the development of effective educational uses of microcomputers. This policy is an effort to discourage violations of the copyright laws.

- A. It is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
 - 1. that such new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that is used in no other manner, or
 - 2. that such new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

Section A 1 above recognizes that, to use a program, one must create a copy in the computer's memory. Section A 2 above allows the user to make a "back-up" copy.

- B. Illegal copies of copyrighted programs may not be made or used on school equipment.
- C. Librarians and/or designated administrators are the only individuals who may sign license agreements for software. Such agreements must be kept on file in the appropriate District department.
- D. The principal of each school site is responsible for establishing practices to enforce this policy at the school level.

II. PROCEDURE FOR ACQUISITION

- A. All microcomputer software used in Deer Park Independent School District must fall into one of the following categories:
 - 1. It has been acquired through appropriate District purchasing procedures.

2. It is a copy made under a licensing agreement or with written permission from the author, developer or vendor.
 3. It is a preview copy being evaluated for possible future purchase.
 4. It is a program in the public domain.
 5. It has been written or developed by a district employee or student for instructional or administrative purposes.
- B. If the District owns only one copy of a program, it may be used only on one machine at a time, unless permission for multiple loading is granted in writing.

III. USE OF SCANNERS

The original copyright holder of an image retains the rights of reproduction, adaptation, and display, among others. The user of the scanner has limited rights to the scanned material as stated in the following cases.

- A. A student may use a scanned copyrighted image in a report, but the student must retain ownership of the report once it is graded. The teacher may not retain that report (or a copy of it), nor may he/she reproduce it for a workshop.
- F. If the work is a multimedia presentation, it may be displayed only for the students and teachers in the class for which it was prepared. Any other presentation would constitute a public performance.

A staff member cannot scan a cartoon or article into a newsletter for distribution to the faculty or parents.

A scanned copy of a famous photograph cannot legally be modified by computer graphics into a similar, or even quite different, image.

The preceding material on scanners was taken from the following source:
Simpson, Carol. Copyright for Schools: Third Edition. Worthington, Ohio:
Linworth Publishing, 2001.

PROFESSIONAL RESEARCH AND PUBLISHING

I. POLICY

In order to encourage employee creativity and to protect the rights of both the creative employee and the public, the administration shall establish procedures to clearly assign the rights of ownership of employee produced instructional library media.

II. ADMINISTRATIVE PROCEDURES

- A. As used in this policy, rights of ownership include the right to copyright or patent and the right to sell and/or distribute.
- B. The Board claims all rights of ownership of instructional library media produced by an employee during hours that the employee was paid by the Board.
- C. The Board has all rights of ownership of instructional library media produced by an employee in a federal program during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role.
- D. The Board does not claim ownership of instructional library media produced by an employee in a federal program during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role.
- E. The employee has all rights of ownership of instructional library media that were not produced within the scope of employment and that did not involve the use of Board supplies and equipment as described in Part C above.
- F. The school district may enter into an agreement in advance with an employee regarding the production of instructional library media. In such cases, the agreement shall assign whatever rights of use and ownership as may be appropriate.

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948
Amended February 2, 1961, and January 23, 1980,
inclusion of "age" reaffirmed January 23, 1996,
by the ALA Council.

Appendix B

SAMPLE LETTER TO COMPLAINANT

Dear _____

We appreciate your concern over the use of _____ in our school district. The district has developed procedures for selecting library media, but we realize that not everyone will agree with every selection made.

To help you understand the selection process, we are sending copies of the following:

1. District's philosophy statement
2. Library media selection procedure
3. Procedure for reconsideration of library media

If you are still concerned after you review this library media, please complete the Request for Reconsideration of Library Media form and return it to us. You may be assured of prompt attention to your request. If we have not heard from you within two weeks, we will assume that you no longer wish to file a formal complaint.

Sincerely,

Librarian

Principal

Appendix C

REQUEST FOR RECONSIDERATION OF LIBRARY MEDIA

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____

Do you represent yourself? _____ an organization? _____ (If an organization, please identify: _____)

Resource on which you are commenting:

_____ Book _____ Magazine _____ Audio Recording

_____ Textbook _____ Library Program _____ Newspaper

_____ Video/DVD _____ Electronic information/network (please specify)

_____ Display _____ Other _____

Title _____

Author/Producer _____

1. Have you reviewed the materials in their entirety? If not, please do so before completing and submitting this form.
2. To what in the material do you object? (Please be specific; cite pages, etc.)

3. What do you believe might be the result of using this material?

4. For what age group would you recommend this material?

5. In its place, what material of equal quality would you recommend that could be used to teach similar subject matter?

6. What do you believe should be done with the material in question?
 Remove it from the curriculum.
 Do not allow my child to use this material.
 Use it as resource material or a choice selection.

Complainant signature _____ Date _____

Appendix D

INSTRUCTIONS TO MEDIA REVIEW COMMITTEE

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 library media. Freedom of inquiry is vital to education in a democracy.

Study thoroughly all library media referred to you and read available reviews. The general acceptance of the library media should be checked by consulting standard evaluation aids and local holdings in other schools. The committee will use the appropriate check list (See Appendices E and F) as a guide in their proceedings.

Passages or parts should not be pulled out of context. The value and faults should be weighed against each other and the opinions based on the library media 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 library media.

Appendix E

CHECKLIST FOR MEDIA REVIEW COMMITTEE FICTION AND OTHER LITERARY FORMS

Type of resource _____

Title _____

Author/Producer _____

1. Purpose

- a. What is the overall purpose of the material or resource?
- b. Is the purpose accomplished? Yes No

2. Authenticity

- a. Is the author or presenter competent and qualified in the field?
 Yes No
- b. What is the reputation and significance of the author or publisher/producer in the field?

- c. Is the material or resource up-to-date? Yes No
- d. Are information sources well documented either in the resources or in guides?
 Yes No
- e. Are translations and interpretations faithful to the original?
 Yes No

3. Appropriateness

- a. Does the resource promote the educational goals and objectives of the curriculum of District schools? Yes No
- b. Is it appropriate for the level of instruction intended? Yes No
- c. Are the illustrations appropriate for the subjects and age levels?
 Yes No

4. Content

- a. Is the content of this material or resource well presented by providing adequate scope, range, depth, and continuity? Yes No
- b. Does it present information not otherwise available? Yes NO
- c. Does it give a dimension or direction that is new or different from others available for the subject? Yes No

5. Review/Evaluations

a. Source of review/evaluation _____

- Favorably reviewed
- Unfavorably reviewed

b. Does this title or resource appear in one or more reputable selection aids?

- Yes No

Additional Comments

Recommendations by review committee for treatment of questioned resource

Signature of review committee:

Chairperson _____

Date _____

Appendix F

CHECKLIST FOR MEDIA REVIEW COMMITTEE NONFICTION

Title _____

Author _____

A. Purpose

1. What is the overall purpose of the material? _____

2. Is the purpose accomplished? ____ Yes ____ No

B. Authenticity

1. Is the author competent and qualified in the field? ____ Yes ____ No

2. What is the reputation and significance of the author and publisher/producer in the field?

3. Is the material up-to-date? ____ Yes ____ No

4. Are information sources well documented? ____ Yes ____ No

C. Appropriateness

1. Does the material promote the educational goals and objectives of the curriculum of District Schools? ____ Yes ____ No

2. Is it appropriate to the level of instruction intended? ____ Yes ____ No

3. Are the illustrations appropriate to the subject and age levels?
____ Yes ____ No

D. Content

1. Is the content of this material well presented by providing adequate scope, range, depth and continuity? ____Yes ____No
2. Does this material present information not otherwise available?
____Yes ____No
3. Does this material give a new dimension or direction to its subject?
____Yes ____No

E. Reviews

1. Source of Review _____
Favorably reviewed _____ Unfavorably reviewed _____
2. Does this title appear in one or more reputable selection aids? ____Yes ____No
If the answer is yes, please list titles of selection aids. _____

Additional Comments

Recommendation by Review Committee for treatment of challenged library media

Date _____

Signatures of Media Review Committee

Appendix G

POLICY ON DONATIONS TO COLLECTION

Donations will be accepted only with the understanding that the item(s) may be (1) added to the collection, (2) donated to other libraries or discarded if not suitable or useful at the particular school level, (3) will not be placed in a special collection section, (4) must meet the same criteria as used by the schools in purchasing library media for the Library Media Center and, (5) donor must sign a "Donation Release" form prior to the acceptance of the donated item(s).

All donations will be acknowledged and a memorial plate may be used on/in the item. Donations will not be solicited nor will they be "advertised."

Date: _____

I agree to the above provisions in making my gift.

Signed _____

In making my contribution I wish to reserve the right to the following provision(s)
stated in the policy: _____

Signed _____

DPISD BOARD POLICIES

Deer Park ISD
101908

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LEGAL)

The District possesses significant discretion to determine the content of its school libraries. The District must, however, exercise its discretion in a manner consistent with the First Amendment.

REMOVAL OF
LIBRARY
MATERIALS

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. The District shall not remove materials from a library for the purpose of denying students access to ideas with which the District disagrees. The District may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Board of Education v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)

DATE ISSUED: 07/01/2002
UPDATE 68
EFA(LEGAL)-P

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, “instructional resources” refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District’s educational program. [See EFAA for selection and adoption of state-adopted textbooks and EFE for copyright issues regarding use of audiovisual materials]

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students’ varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

CRITERIA

In the selection of instructional resources other than textbooks, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIAL SELECTION AND ADOPTION

EFA
(LOCAL)

2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, and educational significance.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social emotional development of the students for whom they are selected.
4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts for instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly.

Selection of materials is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of materials still of educational value.

CONTROVERSIAL
ISSUES

The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED
MATERIALS

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL
RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or other knowledgeable professional staff shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned material.
2. The principal or other knowledgeable professional staff shall explain the role the questioned material plays in the educational program, its intended educational usefulness, and any additional information regarding its use.

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

3. If appropriate, the principal may offer a concerned parent another resource to be used by that parent's child in place of the challenged material.
4. If the complainant wishes to make a formal challenge, the principal shall provide the complainant a copy of this policy and a Request for Reconsideration of Instructional Materials form [see EFA(EXHIBIT)]

FORMAL
RECONSIDERATION

All formal objections to instructional resources shall be made on the Request for Reconsideration of Instructional Materials form. The form shall be completed and signed by the complainant and submitted to the principal or designee. Upon receipt of the request, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who either has experience teaching the challenged material or is familiar with the challenged material. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and others deemed appropriate by the principal.

All members of the committee shall review the challenged material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall then prepare a written report. Copies of the report shall be provided to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at Level Two. The appeal shall contain a copy of the original complaint, the reconsideration committee's report, and dates of conferences with the principal or designee.

GUIDING
PRICIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. A parent of a District student, any employee, or any District resident may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.
4. Access to challenged material shall not be restricted during the reconsideration process.

The major criterion for the final decision on challenged materials is the appropriateness of the material for its intended educational use. No challenged library material shall be removed solely because of the ideas expressed therein.

EXHIBIT A

REQUEST FOR RECONSIDERATION OF LIBRARY MEDIA

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____

Do you represent yourself? _____ an organization? _____ (If an organization, please identify: _____)

Resource on which you are commenting:

_____ Book _____ Magazine _____ Audio Recording

_____ Textbook _____ Library Program _____ Newspaper

_____ Video/DVD _____ Electronic information/network (please specify)

_____ Display _____ Other _____

Title _____

Author/Producer _____

1. Have you reviewed the materials in their entirety? If not, please do so before completing and submitting this form.
2. To what in the material do you object? (Please be specific; cite pages, etc.)

3. What do you believe might be the result of using this material?

4. For what age group would you recommend this material?

5. In its place, what material of equal quality would you recommend that could be used to teach similar subject matter?

6. What do you believe should be done with the material in question?
 Remove it from the curriculum.
 Do not allow my child to use this material.
 Use it as resource material or a choice selection.

Complainant signature _____ Date _____

EXHIBIT B

CHECKLIST FOR MEDIA REVIEW COMMITTEE FICTION AND OTHER LITERARY FORMS

Type of resource _____

Title _____

Author/Producer _____

1. Purpose

- a. What is the overall purpose of the material or resource?
- b. Is the purpose accomplished? Yes No

2. Authenticity

- a. Is the author or presenter competent and qualified in the field?
 Yes No
- b. What is the reputation and significance of the author or publisher/producer in the field?

- c. Is the material or resource up-to-date? Yes No
- d. Are information sources well documented either in the resources or in guides?
 Yes No
- e. Are translations and interpretations faithful to the original?
 Yes No

3. Appropriateness

- a. Does the resource promote the educational goals and objectives of the curriculum of District schools? Yes No
- b. Is it appropriate for the level of instruction intended? Yes No
- c. Are the illustrations appropriate for the subjects and age levels?
 Yes No

4. Content

- a. Is the content of this material or resource well presented by providing adequate scope, range, depth, and continuity? Yes No
- b. Does it present information not otherwise available? Yes NO
- c. Does it give a dimension or direction that is new or different from others available for the subject? Yes No

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(EXHIBIT)

5. Review/Evaluations

- a. Source of review/evaluation _____
 Favorably reviewed
 Unfavorably reviewed
- b. Does this title or resource appear in one or more reputable selection aids?
 Yes No

Additional Comments

Recommendations by review committee for treatment of questioned resource

Signature of review committee:

Chairperson _____

Date _____

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LEGAL)

EXCLUSIVE RIGHTS

Employees of the District shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others. *17 U.S.C. 106*

FAIR USE

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. 107

PERFORMANCES
AND DISPLAYS

A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction. *17 U.S.C. 10*

GUIDELINES

Employees who wish to use copyrighted print material and sheet music shall follow the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Uses of Music." [See EFE (EXHIBIT)]. Those guidelines establish a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use which exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law.

PROHIBITIONS

Notwithstanding the fair use guidelines, the following shall be prohibited:

1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works.
This prohibition against replacement or substitution

INSTRUCTIONAL RESOURCES:
COPYRIGHT MATERIAL

EFE
(LEGAL)

applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.

2. Copying of or from works intended to be “consumable” in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.

Copying shall not substitute for the purchase of books, publishers’ reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.

Additional prohibitions regarding the use of music are:

1. Copying for the purpose of performance, except as permitted under the “Guidelines for Educational Use of Music.”
2. Copying for the purpose of substituting for the purchase of music, except as permitted under the “Guidelines for Educational Use of Music.”
3. Copying without inclusion of the copyright notice that appears on the printed copy.

REFERENCE

“Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions” and “Guidelines for Educational Use of Music” contained in the historical note following *17 U.S.C. 107*

BROADCAST
PROGRAMS

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a District school for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. “School days” are actual days of instruction, excluding examination periods.
3. Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LEGAL)

anticipation of requests. No broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.
5. 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 to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in the District for student exhibition or any other nonevaluative purpose without authorization.
6. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

REFERENCE

17 U.S.C. 107 historical note

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LOCAL)

EXCLUSIVE RIGHTS	Employees of the District shall comply with the provisions of the United States Copyright Act.
PRINTED MATERIALS	Use of all printed materials used in the classroom shall comply with copyright and license agreements. [See EFE(EXHIBIT) and (REGULATION)]
ELECTRONIC MEDIA	All rented electronic media shall be used in the classroom for education purposes only to comply with copyright.
COMPUTER SOFTWARE	<p>Use of computer software must conform to the license agreement for software. Any personal education software on a school computer used in the function of one's job must have the original license agreement and packaging on site and accessible. Unless otherwise provided in the purchase agreement, a purchased computer program may be legally copied only if:</p> <ol style="list-style-type: none">1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or2. The new copy is a backup; cannot be used simultaneously with the original and must be erased if the original is resold. <p>District employees shall not use the same program on more than one computer at a time unless the purchase agreement or written permission from the vendor allows the District to network the program or allows other specified multiple use of the single copy.</p>
GENERAL	<p>The use of electronic media as supplemental instructional resources has become increasingly integral to classroom instruction. The age-appropriate use of these media, kindergarten through 12th grade, is valuable in enhancing student understanding of the respective subject matter.</p> <p>The Board shall provide for a wide range of electronic media as instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. The ultimate authority for determining and approving curriculum and instructional programs—including the selection and use of electronic instructional media—lies with the Board.</p>
OBJECTIVES	In this policy, "electronic media" refers to films, videotapes, laser discs, DVDs, audio tapes, and other nonprinted instruction material used for formal or informal teaching and learning purposes. The primary objectives of electronic instructional media are to deliver, support, enrich, and assist in implementation of the District's education program. [See EFAA(LEGAL)]

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LOCAL)

Generally, electronic instructional media shall:

1. Relate directly to the curriculum being studied and enhance understanding of the subject matter by students.
2. Enrich and support the curriculum, taking into consideration the varied interest, abilities, learning styles, and maturity levels of students.
3. Stimulate growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
5. Represent many religious, ethnic, and cultural groups and their contributions to the national heritage and world community.

CRITERIA

In the selection of electronic media, especially library acquisitions and supplemental materials for classrooms use, professional staff shall ensure that electronic media:

1. Are consistent with state law; District belief, mission, and vision statements; goals and objectives of the District; and District and campus improvement plans.
2. Support, demonstrate, and integrate into the curriculum the personal attributes, relationship attributes, and life skills identified in policy FA(LOCAL).
3. Meet high standards of quality in format, content, and production.
4. Are appropriate for the subject and for the age, ability level, learning style, and social and emotional development of the students for whom they are selected.
5. Are designed to provide information that will motivate students to examine their own attitudes, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve students, parents, teachers, administrators, other District personnel, and community members as appropriate.

Gifts of electronic instructional media shall be evaluated according to these criteria and accepted or rejected accordingly.

CONTROVERSIAL
ISSUES

The selection of electronic instructional media for library acquisition or for use in the classroom shall be balanced in representing various views. Electronic instructional media shall be chosen to clarify historical and contemporary forces in presenting and analyzing intergroup tension and conflict objectively, placing emphasis upon recognizing and understanding social and economic problems. [See EMB(LEGAL)]
Electronic instructional media shall not be rejected based solely on content discrimination or other forms of expression protected by the First Amendment to the U.S. Constitution.

SELECTION

Teachers shall be given wide latitude in the selection of electronic instructional media within established frameworks. Teachers—whether working individually or as part of a committee, task force, or other District group—shall not be restricted unnecessarily in the selection of electronic instructional media.

PARENT PERMISSION
REGARDING
ELECTRONIC MEDIA

Teachers shall require a parent to give written permission before that parent's child shall be permitted to listen to or view certain electronic instructional media as set forth in the guidelines given below.

GUIDELINES FOR
SELECTION AND
PARENTAL
PERMISSION

Teachers shall adhere to the following guidelines in selecting electronic instructional media for use in classrooms and in notifying parents of the intended use of instructional films, videotapes, laser discs, DVDs, or other electronic instructional media. The rating system to which these guidelines refer is the system established by the Motion Picture Association of America and pertains to any film, videotape, or laser disc regardless of origin (e.g., purchased, rented, borrowed, recorded-off-air) used for instructional purposes.

R-RATED
MATERIALS

1. R-rated electronic media may be shown only to students in grades 11 and 12. Parents shall be notified in advance of the teacher's intention to show the materials. The teacher shall receive parental written permission before allowing a student to view the material. The showing of these materials is also subject to the approval of the building principal.

PG-13 MATERIALS

2. PG-13 rated materials may be shown to students in grades 9-12 without parental notification and written permission. PG-13 rated materials may be shown to students in grades 7-8 only with advanced parental notification and written permission. PG-13 materials shall not be shown to students in grades K-6.

PG MATERIALS

3. PG-rated materials may be shown to students in grades 6-12 without parental notification and written permission. PG-rated materials may be shown to students in grades K-5 only with advanced parental notification and written permission.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LOCAL)

- G MATERIALS 4. G-rated materials may be shown at any grade level without parent written permission.
- NONRATED MATERIALS 5. Nonrated materials (e.g., documentaries, educational films secured through ESC Region IV, off-the-air recordings) that do not contain nudity, sex, profanity, vulgarity, or excessively graphic violence and meet generally accepted instructional standards may be shown to any grade level without parental written permission.
- X AND NC-17 MATERIALS 6. Under no circumstances shall X-rated and NC-17 rated materials be shown in the schools of the District.
- NEWS REPORTS 7. Recorded motion picture or video news reports of historical events may be shown as part of the instructional program of the District. Teachers of younger viewers (grades K-5) shall notify parents of their intent to use such news footage when the subject matter may be emotionally upsetting to children in the judgment of the teacher.
- EDITED CLIPS 8. Clips edited from electronic media may be shown at any grade level providing the editing meets the requirements established by the “fair use” exemptions of the U.S. Copyright Act (Title 17, USC) and District administrative procedures (EFAB). The edited clips shall contain no nudity, sex, profanity, vulgarity, or excessively graphic violence. If the clip is taken from a film or videotape from which students would otherwise be prohibited without written permission, the edited clip shall be approved by the principal and written parental permission shall be received prior to the showing of the clip. Any edited clip shall conform to the “Fair Use Guidelines for Educational Multimedia.” [See EFE(EXHIBIT)]

PARENT RIGHTS

A parent is entitled to review all teaching materials including electronic instructional media and other teaching aids used in the classroom of the parent’s child. [See EF(LEGAL) and FNG(LEGAL)]

A parent or person standing in parental relation may remove the parent’s child from a class or other school activity that conflicts with the parent’s religious or moral beliefs if the parent presents or delivers to the teacher of the parent’s child a written statement authorizing the removal of the child from the class or other school activity. A removed student shall not be penalized for failing to participate in the activity. [See EMB(LEGAL)]

A parent’s ability to exercise control over reading, listening to, or viewing instructional materials extends only to his or her own children.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(LOCAL)

ALTERNATE ASSIGNMENTS	Students who are removed from a learning activity by a parent or from who parental written permission to participate is not received shall be given an alternative assignment.
COMPLAINTS OF VIOLATIONS	1. Complaints alleging violations of this policy shall be made directly to the teacher and/or the campus administration within 15 working days of the occurrence of the alleged violation. It is suggested that the complaint be made to the teacher first.
INFORMAL	
FORMAL	2. If the complaint is not resolved informally, the complainant is entitled to file a formal written complaint with the campus administration.
APPEAL	3. If the complainant is not satisfied with the written decision of the campus administration, an appeal may be made following the District's established appeal process. [See FNG; GF(LOCAL); Student-Parent Handbook]
ANNUAL REVIEW	Each principal shall review this policy with campus instructional staff annually.
CAMPUS GUIDELINES	The respective campuses may develop and implement additional guidelines through the Campus Improvement Committee for the use of electronic instructional media on the campus. Campus guidelines may narrow the uses of electronic instructional media as defined by this policy, but they shall not broaden them in any respect. In the event of a conflict between this policy and the campus guidelines, this policy shall control.

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING
IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book.
- B. An article from a periodical or newspaper.
- C. A short story, short essay, or short poem, whether or not from a collective work.
- D. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below.
- B. The copying meets the cumulative effect test as defined below.
- C. Each copy includes a notice of copyright.

Definitions

Brevity

(i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, and excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

(iv) “Special” works: Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(EXHIBIT)

intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

GUIDELINES FOR EDUCATIONAL USES OF MUSIC

Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. (a) For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.
(b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(EXHIBIT)

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

17 U.S.C. 107 historical note

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(REGULATION)

EXCLUSIVE RIGHTS

Employees of the District shall comply with the provisions of the U.S. Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others.

FAIR USE

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

SINGLE COPYING
FOR TEACHERS

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. A short story, short essay, or short poem, whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

MULTIPLE COPIES
FOR CLASSROOM
USE

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

1. The copying meet the tests of brevity and spontaneity as defined below.
2. The copying meet the cumulative effect tests as defined below.
3. Each copy includes a notice of copyright.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(REGULATION)

DEFINITIONS

Poetry — A complete poem if less than 250 words and if printed on not more than two pages or from a longer poem, an excerpt of not more than 250 words.

BREVITY

Prose — Either a complete article, story, or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words.

Illustration — One chart, graph, diagram, cartoon, or picture per book or per periodical issue.

“Special” works — Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. An excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text may be reproduced.

SPONTANEITY

The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

CUMULATIVE EFFECT

The copying of the material is for only one course in the school in which copies are made. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term.

MUSIC

Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

PRINTED COPIES

Multiple copies of excerpts of works may be made, provided that the do not compromise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the whole work. The number of copies shall not exceed one copy per student.

A single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(REGULATION)

Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

RECORDINGS

A single copy of recordings of performances by audiences may be made for evaluation or rehearsal purposes and maybe retained by the educational institution or individual teacher. A single copy of a sound recording of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

TEACHER AND
STUDENT CREATED
MULTIMEDIA

Teacher and student created multimedia shall abide by the “Fair Use Guidelines for Educational Multimedia” as recommended at the 1996 Conference on Fair Use. Briefly, this includes but is not limited to the following:

1. Motion media (video clips): 10% or 3 minutes, whichever is less
2. Text: 10% or 1,000 words, whichever is less
3. Poems:
 - A poem of 250 words or less
 - Three-poem limit per poet
 - Five-poem limit by different poets in an anthology
4. Music: 10% or 30 seconds, whichever is less
5. Photos/Images:
 - No more than five works from one author
 - 10% or 15 works from a collection, whichever is less
6. Database info: 10% or 2,500 field or cell entries, whichever is less

Under the “Fair Use Guidelines for Educational Multimedia”
<http://www.cetus.org/fairindex.html>:

Student may perform and display their own educational multimedia projects created under Section 2 of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIALS

EFE
(REGULATION)

Educators may perform and display their own educational multimedia projects created under Section 2 for curriculum-based instruction to students as outlined in the guidelines.

Educators may use their educational multimedia projects created for educational purposes under Section 2 of these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section 3.1.

