

August 8, 2011

The Board of Directors of the Cedar Falls Community School District in the County of Black Hawk, State of Iowa, met in regular session pursuant to the laws and rules of said Board at Holmes Junior High School, 505 Holmes Drive, Cedar Falls, Iowa, at 6:00 p.m. The meeting was called to order by the Vice-president and the roll being called there were present Joyce Coil in the chair, and the following named Directors: Richard Vande Kieft, Duane Hamilton, Jim Brown, James Kenyon, and Susan Lantz. Others in attendance were: Dr. David Stoakes, Superintendent, Douglas Nefzger, Director of Business Affairs, Daniel Conrad, Director of Secondary Education, Pam Zeigler, Director of Elementary Education, and Dr. Adrian Talbot, Director of Human Resources. Also in attendance were Rachel Brannigan and Lavonne Arndt.

Holmes Junior High Principal, David Welter led a tour of the recent addition and renovation project at Holmes Junior High School.

The Board recessed at 6:45 p.m.

The Board reconvened at the James L. Robinson Administrative Center, 1002 West First Street, Cedar Falls, Iowa at 7:00 p.m.

It was noted that agenda items M -Closed session of the Board under Section 21.5(i) of the Iowa Code and N –Approval of Superintendent’s 2011-2012 Salary and Benefit Adjustment will be postponed to a future meeting.

Item No. 1 – Approval of the Following Consent Agenda Items:

Director Hamilton moved and Director Lantz seconded the motion to approve the following items:

1. The agenda of the August 8, 2011, Board of Education meeting with the changes in the agenda as noted.
2. Approval of the July 18, 2011 Board of Education minutes.
3. Approval of the bills as presented for payment as reviewed by Director Richard Vande Kieft
4. Approval of open enrollment requests
5. Human Resource report
6. Approval of Agreements:
  - Transportation Services with Community United Child Care Services
  - InVision Architect Contract – Remodeling of district media (High School)

**Open Enrollment Report**

**August 8, 2011**

Ethan M Thilges	Preschool (5 year old)
Current resident district:	Cedar Falls
District requested:	Denver
Effective date:	2011-2012
Aubrianna Smith	Kindergarten
Current resident district:	Cedar Falls
District requested:	Waterloo
Effective date:	2011-2012
Dolores D Benton	1 <sup>st</sup> Grade
Current resident district:	Waterloo
District requested:	Cedar Falls
Effective date:	2011-2012 – C

Briar Blake	Kindergarten
Current resident district:	North Tama County
District requested:	Cedar Falls
Effective date:	2011-2012
Emily J DeWiese	3 <sup>rd</sup> Grade
Current resident district:	Waterloo
District requested:	Cedar Falls
Effective date:	2011-2012 – C
Dalton R Hampton	Kindergarten
Current resident district:	Dike-New Hartford
District requested:	Cedar Falls
Effective date:	2011-2012
Keegan M Hussey	1 <sup>st</sup> Grade
Current resident district:	Waterloo
District requested:	Cedar Falls
Effective date:	2011-2012 – C
Arial E Payne	1 <sup>st</sup> Grade
Current resident district:	Hudson
District requested:	Cedar Falls
Effective date:	2011-2012 – C
Kaylee J Tournier	Kindergarten
Current resident district:	Denver
District requested:	Cedar Falls
Effective date:	2011-2012
Lily A Tullis	5 <sup>th</sup> Grade
Current resident district:	Waterloo
District requested:	Cedar Falls
Effective date:	2011-2012 – C
Sophia D M Tullis	Kindergarten
Current resident district:	Waterloo
District requested:	Cedar Falls
Effective date:	2011-2012

**Malcolm Price Laboratory School**

**2011-12 Applications – Approval**

<b>Anna Berger</b>	Kindergarten
Current Resident District:	Cedar Falls
Address:	1481 Laurel Circle, Cedar Falls
Effective Date:	2011-2012
<b>William D Doyle</b>	2 <sup>nd</sup> Grade
Current Resident District:	Cedar Falls
Address:	1520 W 12 <sup>th</sup> St
Effective Date:	2011-2012

Moved after the March 1<sup>st</sup> deadline (Waterloo)

**Bryant K Keigen**

Current Resident District:  
Address:  
Effective Date:

9<sup>th</sup> Grade  
Cedar Falls  
2602 Big Woods Rd, Cedar Falls  
2011-2012  
Approved on Good Cause (Severe Health)

**Miranda MacGillivray**

Current Resident District:  
Address:  
Effective Date:

6<sup>th</sup> Grade  
Cedar Falls  
1017 15<sup>th</sup> St, Cedar Falls  
2011-2012  
Moved after the March 1<sup>st</sup> deadline (New York)

**Merlin MacGillivray**

Current Resident District:  
Address:  
Effective Date:

8<sup>th</sup> Grade  
Cedar Falls  
1017 15<sup>th</sup> St, Cedar Falls  
2011-2012  
Moved after the March 1<sup>st</sup> deadline (New York)

**Alexa Schmitz**

Current Resident District:  
Address:  
Effective Date:

7<sup>th</sup> Grade  
Cedar Falls  
903 Maplewood Dr, #9, Cedar Falls  
2011-2012  
Moved after the March 1<sup>st</sup> deadline (Georgia)

**Isabella Terry**

Current Resident District:  
Address:  
Effective Date:

No Grade Listed  
Cedar Falls  
2810 Walnut St, Cedar Falls  
2011-2012  
Moved after the March 1<sup>st</sup> deadline (Muscatine)

**Jonah Terry**

Current Resident District:  
Address:  
Effective Date:

9<sup>th</sup> Grade  
Cedar Falls  
2810 Walnut St, Cedar Falls  
2011-2012  
Moved after the March 1<sup>st</sup> deadline (Muscatine)

**Samuel L Seery**

Current Resident District:  
Address:  
Effective Date:

Kindergarten  
Cedar Falls  
122 Summit Drive, Cedar Falls  
2011-2012

**Malcolm Price Laboratory School**

**2011-12 Applications – Denial**

**Elizabeth Aldrich**

Current Resident District:  
Address:  
Reason:

10<sup>th</sup> Grade  
Cedar Falls  
1481 Laurel Circle, Cedar Falls  
Not filed before the March 1<sup>st</sup> deadline

**Human Resources Report**

**August 8, 2011**

***\*New Contracts - Recommended for Approval***

**2011-12 School Year**

Megan Coleman	UNI	5 <sup>th</sup> Grade	Southdale	BA Step 3	\$35,753
Caroline Taylor	Michigan State	Special Ed	Lincoln	BA Step 3	\$35,753
Ann Weber	UNI	Preschool	Lincoln	BA Step 4	\$36,841

*\*Employment with the Cedar Falls Community School District is contingent upon confirmation of medical examination required by the Iowa Department of Education, and acceptable results on employment, licensure, reference, education, criminal background, child abuse registry, release from current contract (if applicable), and other pre-employment checks deemed necessary*

Directors voting in favor of the motion: Brown, Hamilton, Kenyon, Coil, Lantz and Vande Kieft. Those voting “no” none. Motion carried.

**Item No. 2 – Secretary’s Monthly Financial Report**

Mr. Nefzger reviewed with the Board the July 2011 fund balances for general, schoolhouse, student activity, and food service. Vice-president Coil stated the report would be filed subject to audit.

**Item No. 3 – Communications**

Dr. Stoakes reported that he attended the Iowa Education Summit along with Director Vande Kieft, Director Coil and Mr. Conrad.

Dr. Stoakes also noted that the Greater Cedar Valley Alliance was also present at the conference. Dr. Stoakes reported that he was impressed with the people who spoke and noted there was universal support for the continued funding of the state-wide preschool program. The Iowa Department of Education will develop recommendations based on input from the conference and will host public forums asking for comments across the state. Final recommendations will be developed after public input and sent to the Iowa Legislature.

Director Vande Kieft and Mr. Conrad discussed curriculum changes, assessment and continued focus on the student.

Director Coil commented that it was agreed that all Cedar Valley area participants that attended the conference would meet in the near future.

Director Lantz updated the Board on the Cedar Falls Schools Foundation and distributed an updated pamphlet information concerning the Foundation.

**Item No. 4 – Approval of 2011-2012 School Board Calendar**

Dr. Stoakes presented the 2011-2012 School Board calendar for Board review. The calendar includes meeting dates and reports that will be presented to the Board. Director Lantz moved and Director Kenyon seconded the motion to approve the 2011-2012 School Board calendar as follows. Directors voting in favor of the motion: Coil, Vande Kieft, Brown, Kenyon, Hamilton and Lantz. Those voting “no” none. Motion carried.

**Board of Education**  
 School Year 2011-12

<u>Date</u>	<u>Day</u>	<u>Agenda</u>
July 1	Thursday	First day of 2011-2012 Fiscal Year
July 18	Monday	Annual Meeting: a) Approve annual report of secretary and depository report of treasurer b) Approve depository banks c) Appoint and administer oath of office to secretary d) Appoint and administer oath of office to treasurer  Information Reports: a) <b>Christensen Grant</b> b) <b>Student Demographics</b>
August 8	Monday	Regular Meeting
August 22	Monday	Regular Meeting
September 12	Monday	Regular Meeting
September 13	Tuesday	Board Election
September 26	Monday	Organizational Meeting of Board: a) Nomination and election of Board Officers b) Oath of office to elected officers
October 10	Monday	Regular Meeting
October 31	Monday	Regular Meeting: a) <b>Library/Media</b> b) <b>Mimeo Demonstration</b>
November 14	Monday	Regular Meeting
November 16-17	Wed-Thurs.	IASB Convention – Des Moines, Iowa
November 28	Monday	Regular Meeting: a) <b>Professional Learning Communities</b>
December 12	Monday	Regular Meeting: a) <b>Talented and Gifted Program</b>
January 9	Monday	Regular Meeting
January 23	Monday	Regular Meeting: a) <b>Mid-Year Superintendent Evaluation</b>

February 13	Monday	Regular Meeting
February 27	Monday	Regular Meeting: a) <b>K-12 Science</b>
March 26	Monday	Regular Meeting: a) Preliminary Budget
April 21-23	Sat – Monday	NSBA Conference in Boston, MA
April 9	Monday	Regular Meeting: a) Budget Hearing
April 23	Monday	Regular Meeting: a) <b>K-12 Physical Education</b>
May 14	Monday	Regular Meeting
May 29	Tuesday	Regular meeting a) <b>Professional Learning Communities</b> b) <b>Iowa Core Curriculum</b>
June 11	Monday	Regular Meeting: a) Superintendent Evaluation
June 14	Thursday	Board Retreat
June 29	Friday	Fiscal year officially closes

This agenda may be modified and/or special meetings called as determined by the President of the Cedar Falls Board of Education.

Item No. 5 – Approval of 2012 Legislative Priorities and Resolutions

The Board of Education reviewed the proposed list of Legislative priorities as developed by the Iowa Association of School Boards. After review, Director Lantz moved and Director Hamilton seconded the motion to adopt the following Legislative Action Resolutions. Directors voting in favor of the motion: Coil, Vande Kieft, Hamilton, Lantz and Kenyon. Those voting “no” Brown. Motion carried.

- A. Supports funding to ensure all 3 and 4 year olds have access to a high quality public school preschool program, and allow 4 year olds to be included in the enrollment count, if those programs can demonstrate meeting the collaboration and quality standards requirements of the state voluntary preschool program. IASB supports local district spending authority in the event of a future state spending reduction.
- B. Supports full funding of public schools before additional financial support of non-public schools.

- C. Supports an amendment to the Iowa Code to ensure that any school, including Regents Institutions that receives a portion of its funding through the foundation formula, is subject to the same governance and educational standards as public school districts.
- D. Supports giving school districts and AEAs the option to reduce staff to respond to reductions in funding or to comply with an arbitrator's award. Districts and AEAs should not be required to use the teacher termination procedures in Iowa Code section 279.13 for such staff reductions.
- E. Require arbitrators to first consider local conditions and ability to pay; once the arbitrator determines the district has the ability to pay, the arbitrator should determine comparability.
- F. The Cedar Falls Community School District supports the revision of Iowa Code and administrative regulations to permit the use of funds generated by the Modified Allowable Growth for Dropout Prevention formula to be used for the development and implementation of support services beyond those services provided by the regular school program for all identified children grades PK-12. Support services shall be defined as those services that provide a). academic assistance b). personal and social development, and c). career development and community awareness.

Funding from Modified Allowable Growth for Dropout Prevention should be available to fund all staff members who work with identified students based on the percentage identified students in an attendance center. For example, if 20% of students in an attendance center are identified for dropout prevention support 20% of a guidance counselors salary may be funded through M.A.G. for Dropout Prevention funding.

In addition, five percent of the funds should be available to provide professional development to all teachers providing support services to identified students, and five percent of the funds should be available to provide the administration and supervision of the services designed to prevent students from dropping out of school.

Item No. 6 – Approval of Board Policies 401.2 Equal Employment Opportunity/Affirmative Action, 406.0 Professional Learning Community, and 605.7 Use of Information Resources

Dr. Stoakes and Dr. Talbot reviewed Board policies 401.2, 406.0, and 605.7. Director Kenyon moved and Director Lantz seconded the motion to approve the change in board policy 401.2 and to approve the first reading of 406.0 and 605.7. Directors voting in favor of the motion Brown, Hamilton, Coil, Kenyon, Lantz, and Vande Kieft. Those voting “no” none. Motion carried

Policy Title: Equal Employment Opportunity/Affirmative Action Code No. 401.2

**Selection for Employment and Assignments**

The Cedar Falls Community School District will select for employment qualified applicants for each position without improper discrimination on the basis of race, color, creed, religion, sex, sexual orientation, gender identity, national origin, ethnic background, age, disability, or genetic information. Persons with disabilities who can perform the essential functions of an assignment with or without reasonable accommodations shall be considered qualified applicants. The District shall take affirmative action in the recruitment, appointment, assignment and advancement of personnel to accomplish the goals of equal employment opportunity. In keeping with the law, the District shall consider the veteran status of applicants.

**Employment Conditions**

The Cedar Falls Community School District will not discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, creed, religion, sex, sexual orientation, gender identity, national origin, ethnic background, age, or disability.

### **Complaints of Discrimination**

Any applicant or employee alleging discrimination on the basis of race, color, creed, religion, sex, sexual orientation, gender identity, national origin, ethnic background, age, disability, or genetic information may follow the complaint procedures set forth in Policy 401.4. The complainant may bypass any step of the complaint procedure where the person to whom the complaint is to be lodged is the alleged perpetrator. The complainant may file the initial complaint with the compliance officer, whose decision may be appealed to the superintendent. Inquiries or complaints may also be directed to federal and state agencies including the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, and the Office of Civil Rights of the United States Department of Education.

The complainant may be required to complete a complaint form and to turn over copies of evidence of discrimination including, but not limited to, tapes, memoranda, letters and pictures. The investigator shall promptly commence an investigation and proceed to completion. Both the complainant and the alleged perpetrator will be given an opportunity to give a statement. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded, or inconclusive will be forwarded to the complainant and to the alleged perpetrator.

### **Compliance Officer**

The director of human resources shall be designated as the District's compliance officer to insure that applicants and employees are treated in accordance with this policy. In the event the director of human resources is the alleged perpetrator, the director of secondary education shall be the alternate compliance officer. The compliance officer shall also be responsible for coordinating the preparation, implementation, evaluation, and updating of written equal employment opportunity and affirmative action plans, with systematic input from diverse racial/ethnic groups, women, men and persons with disabilities.

### **Confidentiality**

The right of confidentiality, both of the complainant and of the alleged perpetrator, will be respected consistent with the District's legal obligations to investigate allegations of misconduct and to take corrective action when misconduct has occurred. Complaints of discrimination shall not be filed in the complainant's personnel file.

### **No Retaliation**

No person shall retaliate against another person because the person has filed a discrimination complaint, assisted or participated in an investigation, or has opposed language or conduct that violates this policy, as long as the participation or action was done in good faith.

### **Corrective Action**

The District will take action to halt any improper discrimination or retaliation and will take other appropriate corrective actions to remedy all violations of this policy. This may include disciplinary measures, including discharge of a perpetrator.

### **Notice**

In order to effectively communicate and interpret the District's policy to all levels of the administration and to all other employees, applicants, educational agencies and to the public, a statement of the District's policy shall be distributed to all applicants for employment and shall be disseminated annually to employees, students, parents and recruitment sources. District employees involved in the hiring or supervision of personnel shall be trained on proper equal employment opportunity procedures.

**Code Number 401.2**

Exhibit A

Page 1 of 1

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Please complete the following as fully as possible. If you need assistance, contact the compliance officer.

Date of Complaint: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Position and Building of Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Name and Position of Alleged Perpetrator: \_\_\_\_\_

**Discrimination Alleged:**

- |  |                           |
|--|---------------------------|
| _____ Race, Color                        | _____ Sexual Orientation  |
| _____ Sex/Gender                         | _____ Gender Identity     |
| _____ Religion, Creed                    | _____ Age                 |
| _____ National Origin, Ethnic Background | _____ Disability          |
| _____ Other _____                        | _____ Genetic Information |

Statement of Discrimination/Harassment: (Include dates, places and persons involved in incidents, if known. List any witnesses, their position and addresses and telephone numbers. Attach any pertinent written documents. Describe any actions you took in response to the incidents.)

I agree that all of the information on this form is given in good faith and is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

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

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



Nature of Harassment Alleged:

_____	Race, Color	_____	Sex/Gender
_____	Sexual Orientation	_____	Age
_____	Religion, Creed	_____	Disability
_____	National Origin, Ethnic Background	_____	Gender Identity
_____	Other _____	_____	Genetic Information

Summary of Investigation:

**Code Number 401.2**  
Exhibit C

Conclusion: \_\_\_\_\_ Founded (The totality of the evidence reasonably demonstrates the actions occurred and constituted improper discrimination or harassment.)

\_\_\_\_\_ Unfounded (It is reasonable to believe that the actions complained of did not occur, or were not so serious or pervasive as to constitute improper discrimination or harassment.)

\_\_\_\_\_ Inconclusive

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

Copies to:

\_\_\_\_\_ Complainant

\_\_\_\_\_ Alleged Perpetrator/Respondent

\_\_\_\_\_ Superintendent

Policy Title: Professional Learning Community Code No. 406.0

In order to ensure students are prepared to be lifelong learners and caring, responsible citizens, the Board of Education commits to collaborative practices that ensure continuous improvement and progress toward a new "Tradition of Excellence." To develop and implement a new "Tradition of Excellence" the Board of Education is committed to the philosophical constructs of a Professional Learning Community.

A professional learning community can be defined as a group of educators committed to working collaboratively in ongoing processes of a collective inquiry and action research to achieve better results for the students they serve. The following fundamental elements are those that must be in place to ensure a successful professional learning community:

**Learning is the Fundamental Purpose**

The fundamental purpose of the Cedar Falls Community Schools is to help all students achieve high levels of learning, and therefore, all practices will be examined in light of their impact on learning. To that end:

- a) Collective knowledge will be developed regarding state standards to clarify what all students must know and be able to do as a result of each unit instruction.
- b) A collaborative culture through high-performing teams who are committed to working together to achieve the fundamental purpose of learning will be established. Collaborative teams will be given time during the contractual day and year to meet on a regular basis.
- c) Collaborative teams will clarify what students must learn, gather evidence of student learning, analyze the evidence, identify the most powerful teaching strategies/best practices, and transfer these strategies across all team members.
- d) Collaborative teams will work together interdependently to create and achieve common goals that are specific, measurable, attainable, realistic, and timely (SMART).
- e) Common assessments will be developed by teams to monitor the learning of each student in all essential outcomes. These assessments will be aligned to the required state and district tests.
- f) Time will be dedicated and structured to implement innovation/enrichment initiatives during the course of the regular school day and academic year.
- g) A system of mandatory interventions based upon the examined evidence that guarantees each student receives additional time and support for learning until he/she has met the agreed upon standards will be provided.

The Board of Education recognizes the value of the importance of strong collaborative relationships with its expanded community, families, residences, businesses, government agencies, and other educational systems to achieve the fundamental purpose of schooling. To that end:

- a) The Board will actively promote and uphold the District's mission, values, and goals.
- b) The Board commits to recruiting, developing, and retaining individuals who embrace the school's mission, values, and goals.
- c) The Board will reach out to expertise in the broader community of Cedar Falls to educate and garner support for the Professional Learning Community.
- d) The Board commits to the support of high-performing collaborative teams to better serve and support all students.
- e) The Board understands and supports the development of personal and professional goal-setting, resulting from thoughtful and critical reflection which leads to continued learning and growth.

Policy Title: *Use of Information Resources* Code No. **605.7**

The board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio visual or printed materials and computer software, unless the copying or using conforms to the fair use doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

- A. The purpose and character of the use: The use must be for such purposes as teaching or scholarship and must be nonprofit.
- B. The nature of the copyrighted work: Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
- C. The amount and substantiality of the portion used: In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- D. The 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.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of the copyright law by its staff.

Parents or others who wish to record, by any means, school programs or other activities need to realize that even though the school district received permission to perform a copyrighted work that does not mean outsiders can copy it and re-play it. Those who wish to do so should contact the employee in charge of the activity to determine what the process is to ensure the copyright law is followed. The school district is not responsible for outsiders violating the copyright law or this policy. Additional information may be found in Administrative Regulations 605.7R.

Policy Title: *Use of Information Resources* Code No. **605.7R**

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-librarian, if necessary. 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 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 teacher-librarian or the subscription database, e.g. unitedstreaming

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

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

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

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

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

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

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

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

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

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

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

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

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;
- Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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

Item No. 7– 2011-2012 Property Insurance Report

Mr. Nefzger reviewed the liability, property, vehicle, commercial crime, and workers compensation insurance coverage for the 2011-2012 school year. Mr. Nefzger reported the District's workers compensation insurance premium dropped again from the previous year. The district's modification factor decreased from 0.85 to 0.79. In addition, the District has eliminated the builders risk insurance at Peet Junior High School as the project is near completion.

Item No. 8 – Bids

Mr. Nefzger reviewed the proposed bids for renovation of classrooms at the Kaio Church located at 815 Orchard Drive in Cedar Falls. Due to increased enrollment the District is in need of finding space for three preschool classrooms for the 2011-2012 school year. The Kaio church is located next to Southdale Elementary school, which makes it a very convenient location for the preschool program and allows for easy access to district technology as well as delivery of food service, custodial services and transportation for those special needs children that may attend the preschool program. The District received one quote for the remodeling from Kidder Construction from Waterloo Iowa in the amount of \$61,940. Director Kenyon moved and Director Lantz seconded the motion to approve the bid from Kidder Construction for the remodeling of the Kaio Church. The funds for this remodeling project will be paid for through the Physical Plant and Equipment Levy. Directors voting in favor of the motion: Vande Kieft, Coil, Hamilton, Brown, Lantz, and Kenyon. Those voting "no" none. Motion carried.

Mr. Nefzger reported that due to increased enrollment the District will need to add an additional school bus for the 2011-2012 school year. An opportunity from School Bus Sales Co. from Waterloo, Iowa to purchase a three year old school bus that has come off lease. The bus has 51,000 miles on it and the sale price is \$52,045. Director Kenyon moved and Director Brown seconded the motion to approve the bus purchase from School Bus Sales in the amount of \$52,045. The funds for this purchase will be paid for through the Physical Plant and Equipment Levy. Directors voting in favor of the motion: Vande Kieft, Coil, Hamilton, Brown, Lantz, and Kenyon. Those voting "no" none. Motion carried.

Item No. 9– Informational Report: Food Service

Lavonne Arndt and Mr. Nefzger updated the Board on food service operations for the Cedar Falls Community School District. The report reviewed the overall operations, number of employees, locations, transportation, meals served, revenue/expenditures for the 2011-2012, as well as historical data. The report also reviewed requirements of the Iowa Healthy Kids Act and the new USDA Healthy, Hunger-Free Kids Act. The Board thanked Ms. Arndt for her tireless efforts in maintaining the food service operations for the school district.

Item No. 10 - Superintendent's Report

Dr. Stoakes reported on the following:

- All school welcome is scheduled for August 15<sup>th</sup> at 8:15 a.m. at the High School auditorium
- There will be 32 new teachers beginning teacher orientation on Tuesday

Item No. 11 – Questions, Comments, and Concerns

None

Item No. 12 – Adjournment

Director Lantz moved and Director Hamilton seconded the motion to adjourn. Directors voting in favor of the motion: Vande Kieft, Coil, Hamilton, Brown, Lantz, and Kenyon. Those voting “no” none. Motion carried.

The meeting was adjourned at 8:40 p.m.

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Secretary