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The AMESVI board members for the 2005-2006 year beginning July 1st are:

President- Meg Robertson
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President Elect- Nancy Muldrew
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President Ex Officio- Terry Maggiore
road39@comcast.net

Treasurer- Tim Traut-Savino
Katrina.savino@sharon.us.ma

Recording Secretary- Marcia Dresser
mn.dresser@verizon.com

Corresponding Secretary- Lynn Rowe
lynarddm@yahoo.com

Conference Committee Chair
Michelle Antonelli

Regional Representatives:

Western Mass.

Mary Chevalier Moli3@charter.net

Central Mass.

Laura Koester lkoester@comcast.net

Greater Boston

Mel Demissey, demissay@comcast.net

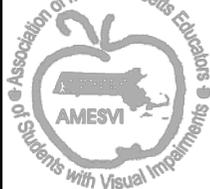
Diane Redman, Dinired53@aol.com

Northeast

Ann Barber ABarber626@aol.com

South Shore/Cape

Jean Shea, jshea411@adelphia.net



AMESVIEW

July, 2006

FROM THE PRESIDENT

Dear Members,

It's hard to believe a year has come & gone. It has been a wonderful experience being President of AMESVI. Through my time on the AMESVI board I have been able to participate on the DOE Ten Step Guide Committee. We hope it will be completed by this September!

If you ever want to know why something takes so long, join a committee and see how much work & discussion goes into something and there is always something that gets missed!

However because this will be a working document, downloaded via the web it will be easy to update rather than waiting years for an updated version.

Please consider running for an office next year, (I will be calling you!) Yes it takes some time but the rewards and connections you make will benefit you so much more then the time you put in.

Thanks to all the current board members and soon to be new ones. (Please vote!) A special thanks to those going off the board: Ann Barber, Terry Maggiore, and Lynn Rowe, Laura Koester. In my case it really was the board members who guided me and move this organization along. A very special thank you to Michelle Antinarelli who took on the role as Conference chair with little time and was able to pick up the conference duties without missing a beat and did a fabulous job. Many thanks to Nancy, as I pass the torch to her, for all her support. Best wishes for a wonderful summer.

Meg Robertson

New Board Members

Congratulations to our new board members.

President-Elect: Eileen Curren email: ecurran@nbp.org

Corresponding Secretary: Jo Anne Stenbuck email: joanne.stenbuck@comcast.net

Greater Boston Representative: Jill Robbins email: scriptgirl2@yahoo.com

North Shore: Carol Pierce email: cnpierce1@comcast.net

Central Mass Representative: Rachel Graves email: rachel_1973@hotmail.com

The greater Boston race was extremely close.

Just 1 vote separated our Greater Boston nominees.

Thank you to Lisa Jacobs for accepting the nomination for Greater Boston representative. The race was so close we hope to see your name on the ballot next year.

Thank you to the nominating committee Paula Bress, Barbara Fragopoulos, Ann Barber, and Laura Koester for their help. --- **Terry Maggiore**

REGIONAL REPORTS

Greater Boston Region News: The Boston region has not had a meeting recently due to membership schedule conflicts. They hope to have more meetings in the future.

South Shore Region Update: A June 22nd meeting and potluck dinner is planned for the South Shore/Cape group. Lisa Jacobs, a consultant and trainer for New England Center Deafblind Project has generously offered to speak about NEC. New England Center is affiliated with Perkins. They offer consultation and trainings to team members who have children with a dual vision and hearing impairment, including additional disabilities. These services are provided free of charge to educational staff as well as parents. Below is some information taken from the NEC website:

The New England Center Deafblind Project is funded by the United States Department of Education, Special Education Programs, under the Individuals with Disabilities Act (IDEA), to assist State Education Agencies in developing their capacity to adequately serve children and youth who are deafblind.

Available Technical Assistance/Consultation

- **On-site, regional and multi-state training relative to "effective practices" in deafblind education**
- **Child-specific consultation to team members working with children who are deafblind**
- **Consultation specific to family issues, particularly in the area of advocacy training and self-determination**
- **Community resource & evaluation referral**

- **Information dissemination**

Mission Statement: To build and strengthen a collaborative system that enables infants, children, and youth who are deafblind to participate meaningfully in their homes, schools, and communities in Connecticut, Maine, Massachusetts, and New Hampshire.

The Cape – Mara Evans

Dec. 2005 - A small group of teachers, Tom Miller, and Carrie Braiser from Vision Resources Library (VRL) met. Carrie shared with us the changes at VRL for acquiring materials in large print and braille. Carrie brought a variety of materials for us to see and reviewed request procedures for materials for our students. Thank you Carrie!

Jan. 2006 – An evening gathering for families hosted by our group occurred at a school in Dennis (thanks Krissy Breda). We had 8 families in attendance, 4 TVI's from the region, Tom Miller from Perkins, and 2 representatives from the Mass. Comm. for the Blind.

Various resources were shared with families and Tom facilitated a discussion about information and training priorities for families. Technology was a topic that most families felt they would gain a lot from.

Feb. 2006 – Kristin Canistraro (TVI-Barnstable) provided a workshop re: Tactile Graphics. Kristin attended a previous training at the Carroll Center, and she organized this session to share information. The training was well attended by a variety of teachers, aids and other support personnel in various districts. A very informative workshop!

April 2006- A small group of us met. Informal discussions occurred about the progress the group has made this year, the benefits of continuing the group and planning for some Fall events.

I am so excited about the prospects to come and the opportunity to share resources, successes, and failures with colleagues. Thank you to all the TVI's involved.

Membership: Please download the membership form from the AMESVI website. Mail to Tim Traut-Savino

<http://amesvi.tripod.com/AMESVI%20membership%20form.doc>

UPCOMING EVENTS

2006 AER International Conference, July 14-19, 2006, Snowbird Summer and Ski Resort, Snowbird, Utah

12th World Conference of the International Council for Education of People with Visual Impairments (ICEVI) Kuala, Malaysia July 16, - July 21, 2006

Guiding Eyes for the Blind Orientation and Mobility Seminar

Date(s): September 6-10, 2006, Location: Yorktown Heights, NY

Bev Klayman, (800) 942-0149 eMail: bklayman@guidingeyes.org

611 Granite Springs Road ,Yorktown Heights, NY 10589

Techniques for Creating and Instructing with Tactile Graphics

Dates: October 5-7, 2006, Location: Braille Institute of America, Los Angeles, CA

Presenters: Lucia Hasty, Chair, BANA Tactile Graphics Technical Committee,
and Ike Presley, National Project Manager, AFB Professional Development Department

INCLUSION INTERNATIONAL – The Arc XIV World Congress; Building an Inclusive Future: a challenge for globalization, November 7 - 10, 2006, MÉXICO, Acapulco
<http://www.thearc.org/XIV%20World%20Congress.doc>

NE/AER 2006 Conference Montréal, QuébecThe NE/AER 2006 Conference will be held in beautiful, downtown Montréal, Québec on November 14-16, 2006. It will be held at the Nouvel Hôtel & Spa, located on René Lévesque Boulevard at the corner of St. Mathieu, within walking distance of the Bell Centre and Crescent Street (the heart of Montréal's night life), and a few minutes from the Casino and major tourist attractions. The program planning committee is co-chaired by Mike Adams and Paul Doyle and programming will be done in collaboration with representatives from the state of Maine. Info will be posted here when available.

12th International Mobility Conference (IMC12) November 27 through December 1, 2006 Hong Kong, China, Hong Kong Society for the Blind 248 Nam Cheong Street, Shamshui, Kowloon, Hong Kong, China URL: <http://www.hksb.org.hk/imc/index.htm>

Spring 2006 CONFERENCE

The Spring AMESVI conference held at Perkins covered state agencies and their role in transition to adult services at 22 or post high school. DOE, MCB, DMR and MASS Vocational Rehabilitation presented and answered questions regarding the 688 form, resources offered and the necessity of the IEP over 504 in this process. It was a day of celebration as well. We were fortunate to have Susan and John Stager and Barbara Bing in attendance. They were presented with awards for their contributions in the field. Tim Traut-Savino summarized their achievements with great ease and touching words. Ann Barber insured their presence with much effort to pull off a complete surprise. Ann had beautifully designed awards made up for the ceremony. Barbara, Susan and John, you will missed. We wish you well.

RESOURCES

Skills for Success: A Career Education Handbook for Children and Adolescents with Visual Impairments Edited by Karen E. Wolffe, Ph.D. Price: \$45.95 Format: Paperback (also available in: ASCII Disk) Pages: 480 pp. ISBN: 0-89128-943-7 Publisher: AFB Press
Year of publication: 1998 Availability: Ships in 3-4 days

2006 AccessWorld® Guide to Assistive Technology Products Price: \$24.95 Format: Paperback (also available in: ASCII Disk) ISBN: 0-89128-815-5 Year of publication: 2006 Availability: Ships in 3-4 days Can't decide which video magnifier to buy? Want to upgrade your screen reader? Thinking of getting a personal digital assistant? Whatever your needs, the 2006 AccessWorld® Guide to Assistive Technology Products has the information you're looking for. Detailed profiles of over 200 products are provided to help you determine which ones are right for you.

Orientation and Mobility Certification Exam Study Guide

Non-Member Price: \$39.95 U.S

Member Price: \$19.95 U.S.

Shipping: U.S./Canada Shipping \$2.00/book; International Shipping \$10.00/book

Prepared by Diane L. Fazzi, Ph.D.

Helps prospective test takers prepare for the ACVREP Orientation and Mobility Certification Examination.

This And That

This is also available on the APH website:

The **Chafee amendment** to chapter 1 of title 17, *United States Code*, adds section 121, establishing a limitation on the exclusive rights in copyrighted works. The amendment allows authorized entities to reproduce or distribute copies or phonorecords of previously published nondramatic literary works in specialized formats exclusively for use by **blind or other persons with disabilities**.

The act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, sets forth the Chafee amendment as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that . . . and for other purposes, namely:

(a) IN GENERAL--Chapter 1 of title 17, *United States Code*, is amended by adding after section 120 the following new section:

"SEC.121. Limitations on exclusive rights: reproduction for blind or other people with disabilities

"(a) Notwithstanding the provisions of sections 106 and 710, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.

"(b)

(1) Copies or phonorecords to which this section applies shall--

"(A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;

"(B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and

"(C) include a copyright notice identifying the copyright owner and the date of the original publication.

"(2) The provisions of this subsection shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

" (c) For purposes of this section, the term--

"(1) 'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities;
"(2) 'blind or other persons with disabilities' means individuals who are eligible or who may qualify in accordance with the Act entitled 'An Act to provide books for the adult blind', approved March 3, 1931 (2 U.S.C. 35a; 46 Stat. 1487) to receive books and other publications produced in specialized formats; and
"(3) 'specialized formats' means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities."

(b) TECHNICAL AND CONFORMING AMENDMENT--The table of sections for chapter 1 of title 17, *United States Code*, is amended by adding after the item relating to section 120 the following:

"121. Limitations on exclusive rights: reproduction for blind or other people with disabilities."

Questions and Comments Raised by the Chafee Amendment

What is the effective date of the amendment?

H.R. 3754 does not specify an effective date. Therefore, the effective date is September 16, 1996, the date on which the president signed the bill.

Are the provisions of the amendment retroactive?

The exemption covers all nondramatic literary works protected by copyright regardless of when they were first published, but reproduction and distribution under the exemption must take place on or after September 16, 1996, the effective date of the amendment.

Does the amendment cover periodicals?

The new exemption covers "nondramatic literary works"; section 101 of title 17 includes "periodicals" within the definition of "literary works." Therefore, the amendment covers periodicals.

If a book is involved in litigation, will the exemption apply?

Nothing in the Chafee amendment withdraws the exemption in case of litigation. However, in the event that NLS is notified that a federal court has issued a final decision, holding that the work is an unauthorized publication and recall of copies is required, NLS will withdraw all copies of the infringing work.

Is a published script of a play considered a "nondramatic literary work?"

A published script of a play would be considered a "dramatic work" or alternatively a "dramatic literary work" and would be outside the amendment, which covers only "nondramatic literary works." Therefore, NLS will continue to seek permission from the copyright holders to reproduce and distribute plays.

What does "authorized entity" include?

The amendment defines and limits "authorized entity" to "a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities." A "nonprofit organization" is understood to mean an organization that has been granted nonprofit tax exemption under section 501(c)(3) of the *Internal Revenue Code*.

To the extent that authorized agencies and organizations use or delegate authority to volunteers, special education teachers, and commercial producers under government contract to produce and distribute works under the exemption, those activities appear to be fully covered by the exemption. Such individuals can be said to be agents of authorized entities and are, therefore, acting under implied authority. The activities of individuals not connected to those specialized agencies and organizations fall outside the exemption.

Is copyright permission required for works published simultaneously in the United States and elsewhere?

All works protected by U.S. copyright law, including those first published abroad or in multiple editions published in several countries, are subject to the exemption for activities undertaken by authorized entities

within the United States. Section 104 of title 17 sets out the eligibility requirements for U.S. copyright law protection. For further information, obtain Circular 38a from the Copyright Office.

NLS produces braille and recorded versions of books published and copyrighted abroad. Under the Chafee amendment, will permission from foreign copyright holders be required?

All works protected by U.S. copyright law, including those first published abroad, are subject to the exemption. Thus, permission from foreign copyright holders for reproduction and distribution in the United States under the exemption is not required. If the braille or recorded versions of the books were distributed outside the United States, however, such act of distribution would not be covered by the exemption since U.S. copyright law has no extraterritorial effect. Since NLS loans material to eligible foreign agencies, NLS will continue to request permission for all books and periodicals published outside the U.S.

Must foreign agencies who purchase NLS books continue to obtain copyright clearance?

Foreign agencies who purchase NLS books must continue to obtain copyright clearance. The principle with respect to this is the same as described above. The exemption applies only to activities within the United States.

Will foreign countries still be able to purchase magazines that NLS produced in special formats?

As the previous answer indicates, the exemption will not apply to activities conducted abroad. Therefore, foreign agencies will have to seek their own individual written copyright permissions from the copyright holders before NLS will permit the purchase of copies of master recordings of audio magazines reproduced by NLS under the new exemption.

Must producers continue to add "all rights reserved" to the standard copyright notice that is currently placed at the beginning of books reproduced in special formats?

No, this is not required. The "all rights reserved" copyright notice originated in the Buenos Aires Convention of 1910. The effect of this Convention in the United States has always been unclear. Since the United States joined the Berne Convention in 1989, there clearly is no need to include this statement.

Does "bear a notice" refer only to announcements or does it include the print label affixed to all copies and phonorecords?

Section 121 of title 17 has two notice requirements; it provides that the copies or phonorecords produced under the exemption shall (1) "bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement," and (2) "include a copyright notice identifying the copyright owner and date of the original publication."

The copyright law has contained notice requirements for many years; those requirements have always been understood to mean a written notice. The previous copyright law contained a provision that said "copies of the work shall bear the symbol © accompanied by ... " Thus, the use of the word "bear" has been understood to mean that the copies have affixed to them a written copyright notice. In the 1976 copyright act, sections 401 and 402 of title 17 provided for the placement of a notice of copyright on visually perceptible copies and on the surface, label, or container of phonorecords of sound recordings.

Consequently, NLS will (1) include both of the required notices, in print, on all braille copies and on all phonorecords of sound recordings, and (2) include both notices in audible form on all sound recordings.

Does "specialized format" include the NLS-produced instructional music cassettes recorded at the standard commercial speed of 1-7/8 ips rather than NLS's customary 15/16 ips speed?

The exemption does not include music, nor does it cover recorded material that is not in a "specialized format."

NLS compiles a music magazine containing articles reprinted from national periodicals. Are magazines that are produced in large print, braille, and recorded formats covered by the exemption?

The exemption defines "specialized format" as "braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities." Works reproduced in large print are, therefore, not included under the exemption.

Where should questions concerning the Chafee amendment be directed?

Questions originating from the media should be directed to the Library of Congress Public Affairs Office at (202) 707-2905. Contact the Library of Congress Copyright Office Public Information Office at (202) 707-3000 for other general questions.

NLS has received copyright permission?

NLS will continue to lend to eligible foreign agencies through interlibrary loan. Such distribution is permissible under U.S. law and is unlikely to infringe the laws of other countries.

However, foreign agencies must look to the law of the country where the use takes place to determine whether they might be liable for acts of unauthorized importation or distribution of *lawfully* made copies without permission of the copyright owner.