

New policy follows. Current policy (strike-throughs) at end of document.

REPRODUCTION AND USE OF COPYRIGHTED MATERIALS

It is the intent of the School Board to enforce and abide by the provision of the current copyright laws as they affect the Division, its employees, and its students.

The use of copyrighted materials in the course of face-to-face instruction must comply with U.S. copyright law. Copyrighted materials, whether print, non-print, or electronic, may only be used and duplicated in accordance with Fair Use guidelines or with written permission from the copyright holder.

The Division does not sanction illegal use or duplication in any form. Employees who willfully violate the Division's copyright policies do so at their own risk and assume all liability responsibilities.

A summary of these guidelines should be made available in each school's Teacher Handbook.

Adopted: July 1, 1993

Amended: _____, 2009

Legal Refs: Copyright Act of 1976, as amended, 17 U.S.C. §§101 *et seq.*; Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions (1976); Guidelines with Respect to Copyrighted Music Material published by the National Association for Music Education (2003).

REPRODUCTION AND USE OF COPYRIGHTED MATERIALS

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I. GENERAL PROVISIONS	

A. Purpose

This policy summarizes the requirements of the U.S. Copyright Act of 1976, 17 U.S.C. §§101 et seq., as amended, (<http://www.copyright.gov/title17>), with respect to the use, reproduction, performance and display of copyrighted works in the school division. If this policy is inconsistent in any way with the legal requirements of the Copyright Act (the “Act”), the requirements of the Act shall govern. Wherever applicable, this policy applies both to students and division employees.

B. Scope of Copyright Protection

1. Coverage of the Copyright Act. All original works of authorship fixed in any tangible medium of expression, including written documents, books, web pages, musical compositions, dramatic works, works of art, speeches, sound recordings, videorecordings, etc. are automatically protected by copyright law, with or without the creator’s filing a legal petition for copyright protection. These copyrighted works are subject to copyright law unless there is a specific written statement releasing the user or the user has obtained written permission from the copyright holder.

In addition, copyrighted works enjoy protection even if they do not use the copyright symbol, “©,” or the word “copyright.”

2. Works Not Covered by the Copyright Act. Copyright protection does not extend to the following:
 - a. Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as *distinguished* from a description, explanation, or illustration;
 - b. Titles, names, short phrases and slogans;
 - c. Familiar symbols or designs and mere variations of typographic ornamentation, lettering, or coloring;
 - d. Mere listings of ingredients or contents;
 - e. Works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources).
3. Ownership of Copyright. Under the Copyright Act the Division (not the employee) owns the copyright for any work created by a Division employee within the scope of his or her employment. This is considered “work made for hire” under the Act. Examples would include, for instance, lesson plans, assessments, Power Point presentations, and reading inventories.
4. Duration. The duration of all copyright protection is as follows:
 - a. Copyright in a work created on or after January 1, 1978 starts at its creation and endures for a term consisting of the life of the author and 70 years after the author's

death.

- b. For works created before January 1, 1978, the term of copyright shall not expire before December 31, 2002; and, if the work is published on or before December 31, 2002, the term of copyright shall not expire before December 31, 2047.

C. Fair Use Exemption for Educational Uses

Section 107 of the Act establishes an educational exemption based on Fair Use standards. The following guidelines outline and explain the minimum standards of educational Fair Use, but are not intended to limit the types of copying permitted under the standards of Fair Use. There may be instances of copying which do not fall within the guidelines stated below and which may be permissible under either the criteria of Fair Use or the educational exemption for face-to-face instruction. In addition, while these Fair Use guidelines provide a general framework for understanding copyright law, the specific guidelines for each particular medium (i.e. Print Materials, Audiovisual Works, etc.) provided later in this policy should be followed for all works within that medium.

The Act uses four standards to determine whether the copyrighted material may be used under the Fair Use exemption:

1. the purpose and character of the use, including whether such use is of a commercial nature or for non-profit 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.

D. Guidelines that Apply to All Media

The following guidelines apply to all forms of media covered by this policy:

1. All copies must be made from legally acquired originals.
2. Only one copy is allowed per student.
3. Teachers may make one copy for personal or evaluative use.
4. Copies must be “at the instance and inspiration of the individual teacher” (i.e. not a directive from the Division or supervisor).
5. Copies must be directly related to the content or curriculum of the course and used for instruction.
6. Multimedia projects incorporating copyrighted material may be viewed only by students enrolled in the course and the instructor or designee.
7. All copyrighted materials must be given credit on the copied work.

II. PRINT MATERIALS

The following guidelines for duplication of printed copyrighted materials will be observed by all

division employees:

A. General Guidelines

1. Copying shall not be used to create, replace, or substitute for anthologies or compilations.
2. No copying may be made from works intended to be “consumable” in the course of study or teaching, such as workbooks, exercises, standardized tests and test booklets, answer sheets, etc.
3. Copying shall not substitute for the purchase of books, reprints, or periodicals.
4. Copying may not be repeated from term to term with respect to the same items by the same teacher.
5. No charge shall be made to the student beyond the actual cost of the photocopying, if any charge is assessed at all.

B. Single Copy Guidelines

A teacher or designee may make a single copy of any of the following for use in teaching or preparing to teach:

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

C. Multiple Copy Guidelines

1. Not more than **nine** instances of multiple copying per class per term are allowed; these limitations do not apply to current news periodicals and newspapers or current news sections of other periodicals. “Current news” is defined generally as falling within the past two months.
2. In each instance where multiple copies are allowed, **each copy** must include a notice of copyright.
3. A teacher or designee may make multiple copies (not to exceed one copy per pupil in a course) of any of the following:

- a. Poem less than 250 words or a 250-word excerpt of a poem greater than 250 words.
- b. Complete article, story, or essay if the work is **fewer** than 2500 words.
- c. Prose excerpt up to 1000 words or up to 10% percent of the work, whichever is shorter.
- d. One graphic representation (chart, graph, drawing, cartoon, diagram, or picture) per book or periodical issue. The graphic must be for instructional purposes and may not be used for decorative purposes only.
- e. Excerpts comprising not more than two pages and not more than 10% of the text of “special works”- works of no more than 2500 words that combine words and pictures, including children’s books, graphic novels, etc.

III. AUDIOVISUAL WORKS (VIDEOS OF ANY KIND)

“Audiovisual works” are defined broadly by the Copyright Act to mean works consisting of a “series of related images” intended to be shown on equipment such as computers, film projectors, and DVD players. The everyday term “video” will be used whenever referring to audiovisual works in this policy. “Videos” may exist in analog or digital formats, including DVD, VHS, film and electronic files (i.e. MPEG, AVI, QuickTime, etc.).

This section covers only videos. For online or downloaded music, see Section IV. For webpages in general, see Section V.

A. Prohibited Uses

1. The following are infringements of copyright and are prohibited in ACPS under all circumstances:
 - a. Showing more than a “fair use” portion of the video not for a teaching activity, but for other reasons, such as recreation, entertainment, or intellectual and cultural value. A performance license must be obtained under such circumstances. This includes after-school programs, study halls, bus trips, club periods, etc. A possible source for public performance license is Movie License, USA (movlic.com).
 - b. Showing more than a “fair use” portion of the video in an auditorium or stadium before an audience that is not confined to students and participating school staff, such as at a sporting event, graduation ceremony, community lecture, or art series event.
 - c. Showing an illegally acquired or duplicated copy of a video.
2. The legal and insurance protection of the division will not be extended to employees who intentionally violate copyright laws. In the event the employee is found liable of violating copyright law after a judicial or administrative proceeding, the employee will

be required to remunerate the division in the event of loss due to litigation.

B. Videos Acquired by Rental or Purchase

1. Although copyright owners have exclusive rights to “perform” and “display” their work, educators may show rented or purchased videos without permission if:
 - a. the copy was lawfully obtained/made;
 - b. the showing is directly related to instruction, for a purely educational purpose;
 - c. the showing is part of face-to-face instruction for students enrolled in a course; and
 - d. the recording is shown only to students in a non-profit educational institution.

Video providers may have additional rules that customers must follow as a condition of a rental, subscription or license agreement.

2. When renting or purchasing videos, whether from a web-based business or traditional store, schools should follow the guidelines below:
 - a. The purchase or rental of feature length or educational videos will be coordinated by the Superintendent/Designee.
 - b. Use of videos must be from legitimate copies.
 - c. Schools may transmit videos over their closed circuit television systems for face-to-face instruction.

C. Videos Taped by Staff from Television Programs

Staff may use instructional recordings they have made of broadcast and cable TV programs, provided that the recordings are:

1. Kept no more than 45 calendar days after the recording date and shown to students only within the first 10 consecutive teaching days of that 45-day period.
2. Shown to students no more than twice during the 10-day period, and the second time only for necessary instructional reinforcement.
3. Made only at the request of an individual teacher for instructional purposes, not by school staff in anticipation of later requests by teachers.
4. Viewed by teachers after the 10-day period only for evaluation purposes and not for student exhibition, and are destroyed after 45 days.
5. Not physically or electronically altered or combined with others to form anthologies.
6. Accompanied by the copyright notice on the broadcast program as recorded.

7. Duplicated only to meet the prior requests of several teachers for the same program, provided the guidelines above are met. Each additional copy is subject to all the provisions governing the original recording.

D. Videos from ITV and PBS

1. All rights for the programs in the ITV Resource Guide have been obtained by PBS stations and cleared for classroom use for a minimum of one year, and longer if the program continues to be shown through ITV.
2. ITV programs may be recorded at home or at school.
3. A request to record an ITV program does not have to be made ahead of time; it may be recorded in anticipation of future need.
4. Retained programs may be shown multiple times and by multiple teachers.
5. ITV programs may be transmitted from a division library media center or other system over a closed circuit system.
6. Programs may be shown to one student at a time, one class, or several classes together in any location.
7. Students may view programs in the school library during the school day.
8. Unless noted in the ITV resource guide, an ITV program may be copied onto another medium multiple times.
9. When a program or series is deleted from the ITV Resource Guide, it must be erased unless the ITV Resource Guide indicates otherwise.
10. ITV programs may not be physically or electronically altered or combined with others to form anthologies.
11. ITV programs must include the copyright notice on the broadcast program as recorded.
12. ITV programs may be duplicated to supply the prior requests of several teachers for the same program, provided the other guidelines are met. Each additional copy is subject to all the provisions governing the original recording.
13. Some, but not all, PBS programs have similar use provisions. Schools should check with the Albemarle Resource Center for permission to keep a specific title longer than 10 days.

E. Videos Obtained Through *Cable In The Classroom*

Videos obtained through *Cable in the Classroom* may be shown if the recordings are:

1. Part of the instructional program and directly related to the content of the course.
2. Shown by school faculty or students.
3. Shown in a classroom or other school location devoted to instruction, such as a library, studio, workshop, gymnasium or auditorium.
4. Shown in a face-to-face setting or where students and teachers are in the same building or general area (such as over closed-circuit).
5. Shown only to students or educators directly involved in the course or training.
6. Lawfully acquired copies with the copyright notice included.
7. Compliant with other Albemarle County Schools policies for use of video in the schools.
8. If off-air recordings, shown to students only within the first 10 consecutive teaching days, and retained no more than 45 calendar days after the recording date.
9. If part of the Family Life curriculum, used in accordance with the established parent notification and material review process.

F. Videos Viewed for Free on Websites

1. Websites that offer free videos may have additional requirements that users must follow. YouTube, for example, lists terms and conditions for users on its website. All website-specific requirements must be followed.
2. Videos that are viewed for free on websites may be used in accordance with the same guidelines that apply to videos that have been rented or purchased (see Section III.B). These guidelines are as follows:
 - a. the copy was lawfully obtained/made;
 - b. the showing is directly related to instruction, for a purely educational purpose;
 - c. the showing is part of face-to-face instruction; and
 - d. the recording is shown only to students in a non-profit educational institution.
3. Staff must also take reasonable precautions to ensure that students are not engaging in copyright infringement while viewing online videos during classroom activities. While passive viewing is permissible, students and staff generally may not save, download, distribute or transfer video files unless the website expressly permits such actions. The Copyright Act permits legal actions against individuals who contribute to copyright infringement by others.

G. Requests to Copyright Owners to Record or Retain Copyrighted Videos

Requests to producers for permission to duplicate copyrighted audiovisual materials shall include the following information:

1. Correct title of the material
2. Exact description of the material to be used (i.e., test, visuals, soundtrack, etc.)
3. Type of reproduction
4. Number of copies to be made

If the material is a videocassette, staff should specify whether the intended use involves single receiver playback or multiple receivers. If the intended use involves transmission of the material, specific information should be supplied as to the method of transmission, whether radio or television, open or closed circuit. In such cases, many license agreements require that the number of students in the intended audience be stated.

IV. MUSICAL RECORDINGS, PERFORMANCES AND SHEET MUSIC

This section is based on the publication entitled “The United States Copyright Law: A Guide for Music Educators” (2003 revision), a joint effort of the National Association for Music Education (MENC), Music Publishers’ Association of the United States, Music Teachers National Association, National Association of Schools of Music and the National Music Publishers’ Association. See www.menc.org/information/copyright/copyr.html.

Part A of this section, “Musical Recordings and Sound Files,” provides procedures for using, playing, duplicating, and distributing recordings of copyrighted music, whether they are accessed from commercially produced CDs, staff-created CDs of student performances, from free websites, or by other means.

Part B, “Musical Performances by Students,” addresses student performances of copyrighted musical compositions.

Part C, “Sheet Music,” provides procedures for duplicating, modifying and distributing copyrighted sheet music.

A. Musical Recordings and Sound Files

1. Playing Copyrighted Musical Recordings

- a. All copies of musical recordings used by employees for instructional purposes must be lawfully acquired. Royalty-free music is available online at websites such as <http://incompetech.com/m/c/royalty-free>.
- b. Classroom Playing. Teachers may play complete musical recordings in the classroom to the students enrolled in that course for either instructional or noninstructional purposes, as long as they do not duplicate, archive, or transmit the recording. “Transmit” means to broadcast the music to listeners outside the classroom via PA system, email, amplification equipment, or other means.
- c. Multimedia Projects by Staff/Students. “Multimedia projects” are projects and presentations that incorporate multiple forms of media, such as audio, image, text and video files or recordings. Examples of multimedia projects include PowerPoint presentations, movies, and websites containing video and/or photographs.
 - i. Multimedia projects must have an educational purpose. For staff, this means projects created and used in face-to-face instruction.
 - ii. Up to 10% of a copyrighted musical composition or a maximum of 30 seconds per composition may be used. For instance, 10% (or 30 seconds) of a single song on a CD album containing 10 songs may be played.
- d. PA/Media Distribution Systems. Copyrighted music excerpts longer than 30 seconds may not be broadcast over the PA or media distribution system.
- e. Auditoriums, Cafeterias, Gyms, etc.: Unless the musical recording is being played for instructional purposes to an entirely student audience, employees may not play full copyrighted musical recordings in school settings outside the classroom without obtaining a copyright license. However, employees may play up to 10% of a musical recording (or 30 seconds per musical recording) in such settings. For instance, 10% (or 30 seconds) of a single song on a CD album containing 10 songs may be played.
- f. Dances & Extracurricular Events. Student and/or parent DJs without licenses to play copyrighted music may not play copyrighted music at a dance or other extracurricular event. Hired DJs with the appropriate license must be employed to provide music in a public performance setting.

2. Copying & Retaining Recordings.

Teachers may make and retain a single copy of a copyrighted musical recording for the sole purpose of constructing aural exercises or examinations. No other duplication or archiving of copyrighted musical recordings is permitted. (For copies of student performances, see Section IV.B.2 below).

B. Musical Performances by Students

1. Student Performance of Copyrighted Works. Schools may conduct public student performances of copyrighted musical works, provided the following conditions are met:
 - a. The sheet music for the performance has been lawfully acquired.
 - b. No admission is charged to attendees unless the money for such admission is to be used for an educational or charitable purpose.
 - c. No fees are paid to a concert promoter, organizer, or performer.
2. Recordings of Student Musical Performances. Schools are permitted to retain single copies of the following recordings:
 - a. Performances by students for evaluation or rehearsal purposes.
 - b. Recordings made for the purpose of constructing aural exercises or examinations.
 - c. Recordings to archive student performances.

Multiple recordings may not be distributed without a license, either freely or as a fundraiser (see below for licensing information).
3. Obtaining a License to Distribute Student Performance Recordings. Schools may purchase reasonably priced licenses to distribute multiple recordings of student musical performances from companies such as The Harry Fox Agency (www.harryfox.com). Rules and policies governing such licenses must be followed.

C. Sheet Music

1. As with guidelines for print materials (books, periodicals, etc.), duplicating copyrighted musical works is prohibited for the purpose of replacing collective works. In addition, educators may not copy such works for the purpose of performance or as a substitute for the purchase of music.
2. A music educator may copy printed music in the following limited circumstances:
 - a. Emergency copying to replace purchased copies which are needed for a performance.
 - b. Copying of excerpts of a work for non-performance purposes, such as auditions and class exercises, if they do not comprise a performable unit (e.g., a movement) and are less than 10% of the whole work.
 - c. Copying of complete works, for teaching purposes, if out of print or unavailable except in large collected works.
3. A music educator may edit or simplify purchased sheet music, provided that the fundamental character of the work is not distorted, and that any lyrics remain unchanged. Music educators may not add lyrics to instrumental compositions. In order to create a true arrangement of the work, educators must obtain permission from the copyright

owner.

V. FREE ACCESS WEBSITES

A. General Concepts & Fair Use

1. Scope. The term “website” or “web page” includes all internet web pages accessible, without cost, to the general public. Websites and web pages include all posted content, such as videos, images, text, and sound files. For guidelines on the use of software and the use of paid access websites, including subscription service websites, see Section VI.
2. Public Presentations. Although privately reading a web page does not implicate copyright laws, publicly presenting a web page does. “Public presentations” would occur in the following examples and in other similar situations: a live presentation to a community group or parent teacher organization; video streaming of a presentation on a publicly accessible website; emailing a Power Point presentation containing copyrighted materials to a professional association.
3. Fair Use Approach. If a public presentation is involved, and the website *does not state that its materials may be used freely without copyright permission*, staff must consider how much of the website may be used within fair use guidelines. A website should be analyzed in much the same way as a print material or audiovisual work. Staff should pay special attention to the character of the material used and the extent used. The more creative the site, the less of the site may be used without prior permission. Facts may not be copyrighted.

B. Downloading & Incorporating Website Material for Multimedia Projects

“Downloading” involves the transmission of data from a remote or host computer to the user’s on-site storage device for later searching, manipulation, or storage.

1. General Fair Use Requirements. In order for fair use guidelines to cover the downloading and use of images, sound files, and video for classroom use or multimedia projects,* the following conditions must be met:
 - a. The project is a student project or a teacher lesson;
 - b. The project is related to the content of the class and is for an educational purpose;
 - c. The project is shown only to students enrolled in the class and the instructor and designee;
 - d. The material must have been legitimately acquired by the source website (e.g. a purchased song may be downloaded, but a song from a music pirating site should not be downloaded); and
 - e. Other Fair Use standards are maintained

* If the websites states that its materials may be used freely without copyright permission, Fair Use guidelines do not need to be followed. If the Division has purchased a license or subscription to use website materials, see Section VI.

2. Musical Recordings. Fair use guidelines for musical recordings can be found in Musical Recordings, Section IV.A.
3. Motion Media. Maximum of 10 percent or three minutes (whichever is less).
4. Images. No more than five images by a single artist or photographer, or not more than 15 images or 10 percent (whichever is less) from a collection. Sources and author names should be cited. PowerPoint presentations that incorporate copyrighted images may not be posted on the Internet as this constitutes public performance.
5. Text. The printed material guidelines apply (see Section II). These do not apply if the work is part of the public domain and is displayed in a digital library or other free-use website.
6. Saving, Republishing & Re-posting Materials. Resources from the Internet may not be reposted onto a school webpage or website without permission; however, links to educationally appropriate and relevant resources may be posted. Links may not be posted for the purpose of promoting any commercial for-profit entity or enterprise, nor may any links be posted that would violate any School Board policies or applicable laws. Neither students nor teachers may copy an entire webpage or website, or the html code used to create the webpage design, directly onto their own page.

VI. ELECTRONIC DATABASES, SUBSCRIPTIONS AND SOFTWARE

A. Downloading from Electronic Databases

“Electronic database” means both web-based and locally hosted/installed databases used by students or staff for educational purposes. Electronic databases may be purchased by subscription, such as the Gale and Britannica databases, or used as a free resource, such as Atlapedia.

“Downloading” involves the transmission of data from a remote or host computer to the user’s on-site storage device for later searching, manipulation, or storage. All four Fair Use criteria apply to database downloading.

1. Educational users may download, whether to a computer, server, or removable storage device:
 - a. Bibliographic citations of the full text of a document identified during a search of an online database service, as the terms of the school’s contract with the vendor(s) specify. The user should use a legitimate password or subscription.
 - b. A single copy of the full-text of articles housed in databases which are provided by the Division and which contain full-text articles under that contract.

2. Educational users may not:
 - a. Keep permanent, archival copies of downloaded works unless the user terms and conditions of the database permit such retention.
 - b. Download a “substantial taking” (complete database or most of the records), which means both the quantity of the taking and the quality of the material taken.
 - c. Make the downloaded material commercially available.
3. Users must always adhere to any terms and conditions applicable to the use of databases.

B. Using Proprietary Software & Subscription Resources

“Proprietary software” means both freely available software created by an individual or entity other than the division, including shareware, and software purchased, licensed, or subscribed to by the division. Examples of freely available proprietary software include Adobe Acrobat Reader and Google Docs. Examples of licensed proprietary software include student information management systems, such as SchoolNet.

1. Software Terms. All users must adhere to the terms and conditions that apply to the use of proprietary software as explained by software’s user terms, website, or any contract between the division and the software vendor.
2. Library Use. Libraries may lend software to patrons. Libraries may make copies of software for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price in a viable format.
3. Back-up copies of computer programs.
 - a. Under the Copyright Act, "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 that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the entire program should cease to be rightful."
 - b. In addition to the above, however, a software vendor may impose additional restrictions on back-up copies that all users must follow.
4. Other Copies of Software. When copyrighted software is used on a networked server system, efforts will be made to secure software from copying. Illegal copies of copyrighted programs may not be made or used on school equipment, or distributed by staff.

5. License Agreements & Duplication Rights. The Superintendent/Designee may sign division duplication rights agreements or licenses for software for schools in the division. Division Instructional Media Services is solely responsible for the duplication of all computer software licensed for Division-wide use.
6. Violation of Copyright Laws. The legal or insurance protection of the Division will not be extended to employees who violate copyright laws. In the event said employee is found guilty of violating existing copyright law, the employee will be required to remunerate the division in the event of loss due to litigation.

VII. GUIDANCE FOR SPECIFIC SCHOOL PRODUCTIONS, DISPLAYS & PUBLICATIONS

A. Student-Created Video Broadcasts

1. Schools may permit student performance of non-dramatic literary or musical works and broadcast such performances by either closed or open circuit in-school reception under the following conditions:
 - a. The performance and broadcast must be made and used solely for instructional purposes and be directed by school staff.
 - b. The audience for the broadcast may include only students and school staff.
 - c. School staff must take reasonable steps to prevent audience members from saving or recording such broadcasts.
2. Schools must receive permission to act out copyrighted dramas or musicals in a staged public performance or to show in a public setting, for non-instructional purposes, motion pictures, slide shows, or other copyrighted works.

B. School Publications (Newspapers, newsletters, yearbooks, websites, etc.)

1. School publications may not use copyrighted images, text, videos, or other material without the written consent of the copyright holder.
2. Staff supervising journalism, yearbook, and other school publication classes and activities are responsible for training their students with respect to copyright law compliance and must exercise supervision over student publications to ensure compliance with copyright law.
3. School publications may not use copyrighted materials in publications that are sold for profit, such as for fundraising, etc.

C. Bulletin Boards, Posters, and Other Displays

1. Copyright law generally prohibits the “display” of copyrighted images without the copyright owner’s permission. “Display” means using copyrighted images, text, or other copyrighted materials, on publicly viewable bulletin boards, posters, fliers, signcases, exhibition booths, and in other similar venues.
2. Copyrighted materials should not be used for promotion, profit, decoration, or advertisement without the written consent of the copyright holder. This does not preclude individuals from wearing clothing carrying images or text printed on the clothing by the clothing maker.

D. PowerPoint and other Multimedia presentations

“Multimedia projects” are projects and presentations that incorporate multiple forms of media, such as audio, image, text and video files or recordings. Examples of multimedia projects include PowerPoint presentations, movies, and websites containing video and/or photographs.

1. Educational purpose. Multimedia projects must have an educational purpose. For staff, this means projects created and used in face-to-face instruction.
2. Musical Recordings. Up to 10% of a copyrighted musical composition or a maximum of 30 seconds per composition may be used. For instance, 10% (or 30 seconds) of a single song on a CD album containing 10 songs may be played.
3. Motion media: Maximum of 10 percent or three minutes (whichever is less).
4. Images. No more than five images by a single artist or photographer, or not more than 15 images or 10 percent (whichever is less) from a collection. Sources and author names should be cited. PowerPoint presentations that incorporate copyrighted images may not be posted on the Internet as this constitutes public performance.
5. Posting. PowerPoint presentations that incorporate copyrighted images may not be posted on the Internet as this constitutes public performance.

E. Videotaping student performances of copyrighted works

Videotaping student performances of copyrighted works is permitted only in the context of face-to-face instruction for the purposes of student evaluation or learning. Such recordings may not be sold. See “Recordings of Student Musical Performances,” IV.B.2.

VIII. GUIDANCE FOR LIBRARIES – REPRODUCTION OF WORKS

A. General Provisions

1. Libraries may make copies for purposes such as preservation, for private study by library users, or for sharing in the name of “interlibrary loan,” as provided in this policy (see

Section D – Interlibrary Loan & Private Study).

2. Copies made under this provision must:
 - a. Be made “without any purpose of direct or indirect commercial advantage;”
 - b. Include a notice of copyright as it appears on the original. If no notice appears on the original, then the copy must include a visible notice that “the work may be protected by copyright”; and
 - c. Be made only as a single copy on “isolated and unrelated” occasions; multiple copies may not be made under most circumstances, nor shall there be “systematic reproduction or distribution of single or multiple copies.”

B. Individual Copies for Students

1. Libraries may make single copies of articles or excerpts of records or longer works for students, provided the articles become the property of the student.
2. Single copies may be made in digital format and made available for student use if:
 - a. The physical copy is on reserve at the library and does not leave the building, or
 - b. The digital copy is available on the library website and is only available to students enrolled in the course for which the copy was intended for instructional use (e.g. protected with a password); and
 - c. The copies are deleted at the end of the course term.

C. Preservation Copies

1. Libraries may make up to three copies of a work for preservation purposes.
2. If the work has never been published, preservation copies are permitted if:
 - a. The copies are solely for preservation or security or for deposit at another library; and
 - b. The work is currently in the collection of the library which is making the copy.
 - c. If the work has been previously published but is not currently in print, preservation copies are permitted if:
 - (1) The copies are solely for replacement of works that have been damaged, lost, or stolen or are deteriorating, or if the format of a work has become obsolete (a format shall be considered obsolete if the machine or device necessary to render the work perceptible is no longer manufactured or is no longer

- reasonably available in the commercial marketplace); and
- (2) the library has conducted reasonable investigations to conclude that an unused replacement cannot be obtained at a fair price; and
- (3) any copy that is reproduced in digital format is not made available to the public outside the premises of the library or archives in lawful possession of such copy.

D. Interlibrary Loans & Private Study

1. Copies made for private study or for interlibrary loan may NOT be of:
 - a. Musical works;
 - b. Pictorial, graphic, sculptural works; or
 - c. Motion pictures or audiovisual works
2. Copies may be of:
 - a. Other types of works that are not specifically excluded
 - b. Audiovisual works “dealing with news;” and
 - c. Pictures and graphics “published as illustrations, diagrams, or similar adjuncts” to works that may otherwise be copied (i.e. if you can copy the article, you can also copy the picture or chart in the article).

E. Unsupervised Student Photocopying or Viewing

1. Unsupervised Copying of Printed Materials. If the library provides unsupervised photocopy machines where users make their own copies, the library shall not be liable for infringements committed on machines if the library displays a notice informing users that making copies may be subject to copyright law and that the user of the machine is still responsible for any infringements. This notice shall also be displayed on other unsupervised reproducing equipment, such as scanners, printers, document cameras, videorecorders, and other equipment capable of making copies.
2. Unsupervised Viewing of Audiovisual Works. Library staff should remind student and staff that viewing pirated copies of DVDs or other media containing copyrighted works is prohibited.

References

Complete Copyright: An Everyday Guide for Librarians. Chicago: American Library Association, © 2005.

Simpson, Carol. *Copyright Catechism: Practical Answers to Everyday School Dilemmas.* Columbus, Ohio: Linworth Publishing, © 2005.

----- *Copyright for Administrators.* Columbus, Ohio: Linworth Books, © 2008.

U.S. Copyright Act of 2007. <http://www.copyright.gov/title17> (Sept. 24, 2008).

Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions (1976).

Guidelines with Respect to Copyrighted Music Material published by the National Association for Music Education (2003).

Adopted: July 1, 1993

Amended:

~~REPRODUCTION AND USE OF COPYRIGHTED MATERIAL~~
~~(NON-PRINT/PRINT)~~

~~It is the intent of the School Board to enforce, and abide by the provision of the current copyright laws as they affect the district and its employees.~~

~~———— Copyrighted materials, whether they be non-printed or printed, may be duplicated in accordance with fair use guidance or with written permission from the copyright holder.~~

~~The district does not sanction illegal use or duplication in any form. Employees who willfully violate the district's copyright position do so at their own risk and assume all liability-responsibilities.~~

Adopted: ————— July 1, 1993

Amended: _____

Legal Refs: ————— United States Code, Title 17, Sections 106, 117, 501, 504, 506
United States Code, Title 18, Section 2319

