

Section 4000 – Business Management

In accordance with Board policy 4250, the following regulations will be observed to comply with the copyright laws of the United States.

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 altering a product is to fall within the bounds of fair use, these four standards must be met for any of the purposes:

THE PURPOSE AND CHARACTER OF THE USE: The use must be for such purposes as teaching or scholarship and must be non-profit. Fair use would probably allow teachers acting independently to copy small portions of work for the classroom but would not allow a school system or an institution to do so.

THE NATURE OF THE COPYRIGHTED WORK: Copying portions of a news article may fall under fair use but not copying from a workbook designed for a course of study.

THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED: Copying the whole of a work cannot be considered fair use; copying a small portion may be. At the same time, however, extracting a short sequence from a 16mm film or videotape may be far different from a short excerpt from a textbook, because two or three minutes out of a 20-minute film might be the very essence of that production and thus outside fair use. Under normal circumstances, extracting small amounts out of an entire work would be fair use, but a quantitative test alone does not suffice.

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 is an infringement, and making multiple copies presents the danger of greater penalties.

Prohibited Practice

A teacher may not make multiple copies of a work for classroom use if it has already been copied for another class in the same institution; make multiple copies of a short poem, article, story, or essay from the same author more than once in a class term or make multiple copies from the same collective work or periodical issue more than three times a term; make multiple copies of works more than nine times in the same class term;

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make a copy of works to take the place of an anthology; and may not make a copy of “consumable” materials, such as workbooks.

Permitted Practice

A teacher may make—for use in scholarly research, in teaching or in preparation for teaching a class—a single copy of the following: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem (whether or not from a collected work); a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper; may make (for classroom use only and not to exceed one per student in a class) multiple copies of the following: a complete poem (if it has fewer than 250 words and is printed on not more than two pages), an excerpt from a longer poem (if the excerpt has fewer than 250 words), an excerpt from a prose work (if the excerpt has fewer than 1,000 words or 10 percent of the work, whichever is less) and one chart, graph, diagram, cartoon or picture per book or periodical.

A library may, for interlibrary-loan purposes, make up to six copies a year of a periodical published within the last five years, make up to six copies a year of small excerpts from longer works, make copies of unpublished works for purposes of preservation and security and make copies of out-of-print works that cannot be obtained at a fair price.

Guidelines for Off-Air Recording of Broadcast Programming for Education Purposes

A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained for a period not to exceed the first 45 consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once, only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 day calendar day retention period. “School days” are school session days - not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions - within the 45-calendar day retention period.

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Off-air recordings may be made only at the request of, and use by, individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recordings.

After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for evaluation purposes by the teacher, i.e., to determine whether to include the broadcast program in the teaching curriculum. They may not be used for student exhibition or any other non-evaluation purpose without authorization.

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 programs as recorded.

Software

Software developed by District employees shall conform to the copyright and patent provisions prescribed in Board policy. District employees shall adhere to ethical practices when using commercially developed software for developing individualized programs to meet the District's needs.

Software Royalties

Software marketed with private organizations or other educational agencies may produce royalties in the form of financial remuneration, equipment or other material or devices. The allocation and deposit of all royalties shall be determined by the Superintendent.

Employee Produced Material

The Superintendent shall maintain full use, rights, and privileges on all software, manuals, devices, documents and programs and related materials developed by staff during work periods for which they are compensated.

Computer Software Copyright

It shall be a violation of Board policy and the copyright laws of the U. S. to use “pirated” or otherwise illegally obtained computer software for use on District owned equipment, whether for instructional, administrative, or any other purpose. The use of District equipment to make unauthorized copies of District owned, privately owned, or illegally obtained computer software is prohibited.

In an effort to discourage violations of copyright laws and to prevent illegal uses of the District's computer system:

- (a) The proper use of computers will be taught through planned computer curriculum and computer related instruction for students, and staff will address the ethical and practical problems caused by software piracy.
- (b) District employees shall adhere to all provisions of the U.S. copyright laws, which allow for the making of back-up copies of computer programs.
“ . . . it is not an infringement of the owner of a copy of a computer program to make or authorize the making of the 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 the machine and that it is used in no other manner, or that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.”
- (c) When software is being used on a disk sharing system, efforts will be made to secure the software from copying.
- (d) Illegal copies of copyrighted programs may not be made or used on District equipment.
- (e) The Superintendent is the only individual who may sign license agreements for software. Each school using the software should have a copy of the signed software duplication agreement.
- (f) No District employee will illegally access any database or electronic bulletin board.
- (g) No District employee will encourage or allow any student to illegally duplicate computer software or access any database or electronic bulletin board.

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- (h) Each Principal is responsible for establishing practices, which will enforce the Board's policy at the school level. A copyright warning may be placed on computer equipment.

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