

**USE OF COPYRIGHTED MATERIALS**

The Board of Trustees recognizes the importance of ensuring that the District complies with federal law regarding copyrights. District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 6163.1 - Library Media Centers)*

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The District shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a District employee to violate copyright laws in order to perform his/her duties.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 6161 - Equipment, Books and Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

The Superintendent or designee shall ensure that the District observes all publisher licensing agreements between vendors and the District, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the District shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

*(cf. 0440 - District Technology Plan)*  
*(cf. 3300 - Expenditures and Purchases)*  
*(cf. 3312 - Contracts)*  
*(cf. 6163.4 - Student Use of Technology)*

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

*Legal Reference:*

*EDUCATION CODE*  
*35182 Computer software*

*UNITED STATES CODE, TITLE 17*  
*101-122 Subject matter and scope of copyright, especially:*  
*102 Definitions*  
*107 Fair use*

## **USE OF COPYRIGHTED MATERIALS**

*110 Limitations on exclusive rights: Exemption of certain performances and displays*

### **COURT DECISIONS**

*Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171*

*Management Resources:*

### **U.S. COPYRIGHT OFFICE PUBLICATIONS**

*Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, 1995*

### **WEB SITES**

*Copyright Clearance Center: <http://www.copyright.com>*

*Copyright Society of the USA: <http://www.csusa.org>*

*U.S. Copyright Office: <http://www.copyright.gov>*

Policy adopted:  
**Instruction**

**FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT**  
Fountain Valley, California

## **USE OF COPYRIGHTED MATERIALS**

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television), and computer software.

### **PRINTED MATERIALS**

#### **Permitted Uses:**

1. Single copies at the request of an individual teacher:
  - a. A chapter of a book.
  - b. An article from a magazine or newspaper.
  - c. A short story, short essay or short poem, whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.

**USE OF COPYRIGHTED MATERIALS** (continued)

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
  - a. A complete poem if less than 250 words and if printed on not more than two pages.
  - b. An excerpt from a longer poem, not to exceed 250 words.
  - c. A complete article, story or essay of less than 2,500 words.
  - d. An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
  - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

**Prohibited Uses:**

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. Copying materials for more than one course in the school where the copies are made.
4. More than nine sets of multiple copies for distribution to students in one class term.
5. Copying used to create, replace or substitute for anthologies or collective works.
6. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.
7. Copying that substitutes for the purchase of books, publishers' reprints or periodicals.

**USE OF COPYRIGHTED MATERIALS (continued)**

8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.

**SHEET AND RECORDED MUSIC**

**Permitted Uses:**

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
  - (1) Confirmed by the copyright proprietor to be out of print, or
  - (2) Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

**Prohibited Uses:**

1. Copying to replace or substitute for anthologies or collections.

## **USE OF COPYRIGHTED MATERIALS**

2. Copying from works intended to be "consumable."
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.
6. Duplication of tapes, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g. record to tape.

## **VIDEOTAPES, FILMS, FILMSTRIPS OR SLIDE PROGRAMS**

### **Permitted Uses:**

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
2. A single copy of a small portion of a videotape, film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be reproduced from a series if reproduction does not exceed 10% of the total or excerpt the essence of the work.
4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
5. A single overhead transparency may be created from a single page of a "consumable" workbook.
6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed 10% of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a videotape, film or filmstrip; small portions may contain the very essence of the material in question.

## **USE OF COPYRIGHTED MATERIALS (continued)**

### **Prohibited Uses:**

1. Reproduction of an audiovisual work in its entirety.
2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.
3. No one is permitted to copy any portion of a videotape, film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a videotape or film governs its performance (showing) as well as the copying of it. It is permissible to show a film or video tape to students using closed-circuit television if the system is confined to one building. Showing a film on videotape via closed-circuit television outside the building is not permitted.

## **RADIO - OFF-AIR TAPING**

### **Permitted Uses:**

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

### **Prohibited Uses:**

1. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

## **TELEVISION - OFF-AIR TAPING**

### **Permitted Uses:**

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.

**USE OF COPYRIGHTED MATERIALS**

2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown 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 ten consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. 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.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

**Prohibited Uses:**

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the ten-day use period.
3. Holding the recording for weeks or indefinitely because:
  - a. Units needing the program concepts are not taught within the ten-day use period.
  - b. An interruption or technical problems delayed its use
  - c. Another teacher wishes to use it, or for any other supposedly “legitimate” educational reason.

## **USE OF COPYRIGHTED MATERIALS**

4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off- air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

## **SOFTWARE COPYRIGHT**

### **Permitted Uses:**

Copies of District-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
2. The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the District unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (17 USC 117).

### **Prohibited Uses:**

1. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
2. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying beyond its intended use.
3. Illegal copies of copyrighted programs shall not be made or used on school equipment.

*(cf. 4132 - Publication or Creation of Materials)*

Regulation approved:

**FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT**  
Fountain Valley, California



*E. 6162.6 (a)*

**Fountain Valley School District**

## ***District Software/Copyright User Agreement***

### **Copyright/Digital Copyright**

Employees and students of the Fountain Valley School District are subject to the provisions of the Copyright Act of 1976 and Digital Copyright Act of 1998. Teachers, administrators, media specialists, support staff, and all other District personnel take an active role in assuring compliance with the United States copyright law and congressional guidelines. U.S. copyright laws protect most creative works, including books, computer software, music, film, and video.

The District does not sanction the illegal use or duplication of copyrighted materials in any form. Unlawful copies may not be produced or used on District equipment, within District facilities, or at District sponsored functions. Employees or students who knowingly and/or willingly violate the District's copyright policies do so at their own risk and may be required to reimburse the District for expenses incurred as the result of a violation.

The District Technology Office and principals are responsible for establishing procedures to ensure that offices and schools adhere to copyright law. These procedures should include informing students and staff members of District copyright policy and periodically reminding them of their rights and responsibilities. All school sites and work locations must keep a copy of their computer software license agreements on file.

### **Internet Copyright**

Some computer software is available via the Internet. Downloaded or copyrighted software without a license is prohibited, just as unauthorized copying of CD/DVD media/software programs mentioned above. Some software programs are available free to the public. These are referred to as "freeware." Other software may be downloaded and used for a set period of time. These programs are referred to as "shareware" or "demos." Software with a trial period may be purchased online at the end of the trial period. While download of such programs is not a violation of this policy or the law, users must obtain prior written approval of the network administrator (Technology Office) prior to the download and installation.

Copyright law protects all web sites unless stated otherwise on the site. This includes sites that do not include a copyright symbol. Duplicating a world wide web site, or portion of the site, is prohibited without explicit permission of the author. Pictures or text may not be used without the permission of the copyright owner.



*E. 6162.6 (b)*

## ***District Software/Copyright User Agreement*** (continued)

**Reference:** *School District of Greenville County, P.O. Box 2848, Greenville, South Carolina*

***Board Policies:***

***4040 Employee Use of Technology/Acceptable Use Policy***

***6162.6 Use of Copyrighted Materials***

***6162.7 Use of Technology in Instruction***

***6163.4 Student Use of Technology/Acceptable Use Policy***

### **Computing and Software Use**

Software will be used only in accordance with its license agreement. Unless otherwise provided in the license, any duplication of copyrighted software, except for backup and archival purposes by the Technology Department or designated department, is a violation of copyright law. In addition to violating copyright law, unauthorized duplication of software is contrary to the District's standards of conduct. The following points are to be followed to comply with software license agreements:

- All users must use all software in accordance with license agreements and the District's software regulation. All users acknowledge that they do not own this software or its related documentation and that, unless expressly authorized by the software publisher, they may not make additional copies except for archival purposes.
- Any person illegally reproducing software can be subject to civil and criminal penalties, including fines and imprisonment. According to the U.S. Copyright Act, illegal reproduction of software is subject to civil damages of as much as U.S. \$250,000 per title infringed, and criminal penalties, including fines of as much as U.S. \$250,000 per title infringed and imprisonment of up to five years. A District user who makes, acquires, or uses unauthorized copies of software will be disciplined as appropriate under the circumstances. The District does not condone the illegal duplication of software.
- No user will give software or fonts to any outsiders, including consultants, suppliers, contractors, and others. Under no circumstances will the District use software that has been brought in from any unauthorized location under the District's policy, including, but not limited to, the Internet, home, friends, and colleagues.
- Any user who determines that there may be a misuse of software within the District will notify the Director, Technology, site principal, and/or division supervisor.



***District Software/Copyright User Agreement***  
(continued)

- All software used by the District on District-owned computers will be purchased through appropriate procedures.
- Generally, District-owned software cannot be taken home and loaded on an employee's home computer if it also resides on a District computer. However, some software companies provide in their license agreements permission of home use under certain circumstances.
- Shareware software is copyrighted software that is distributed via the Internet. It is the policy of the District to pay shareware authors the fee that they specify for use of their product. Under this policy, acquisition and registration of shareware products will be handled the same as off-the-shelf commercial software products.

Handheld computing/communication devices (e.g., personal digital assistants [PDAs], smart phones, and other personal communication devices) that use any medium to synchronize, transmit, share, or access files on remote computer or server are permitted, with some limitations. Synchronization with Microsoft Outlook calendars, contacts, messages, and notes is permitted. The District is not responsible for damage, corruption, modification, and/or deletion of any personal data stored on any personally-owned handheld computing/communication device. Furthermore, the District makes no guarantees of service quality or access regarding handheld devices.

Computer equipment supplied by the District must not be altered or added to in any way (e.g., upgraded processor, expanded memory, or extra circuit boards) without prior knowledge and authorization from the Technology Department.

On District-supplied computer hardware, users must not change the operating system configuration or install new software. If such changes are required, they will be performed by Technology Department personnel only.

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Employee Signature

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Date

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School/Location

*Version: April 15, 2010*