

REPRODUCTION OF COPYRIGHT MATERIALS PROCEDURE

Computer Software

The Board recognizes that software piracy is a major problem and that it contributes to higher costs and lessens incentives for the development of good educational programs. In an effort to discourage violation of copyright laws and to prevent such illegal activities in the absence of any pre-existing license or condition;

1. District employees will be expected to adhere to the provisions of Public Law 96-517 (b) which amends Section 117 of Title 17, United States Code, to allow for the making of a back-up copy of computer programs. This states that ".....it is not an infringement for the owner of a copy of adaptation of that computer program provided:
 - a. that such 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
 - b. 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 computer program should cease to be rightful.
2. Illegal copies of copyright programs may not be made or used on school equipment.
3. The legal or insurance protection of the district will not be extended to employees who violate copyright laws.
4. The superintendent or his/her designee are the only individuals who may sign license agreements for software to be used in the district. If the material will be used in a school, the principal will also sign the agreement.

Off-The Air Videotaping

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retained by a non-profit educational institution for a period not to exceed the first 45 calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instruction 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 ten (10) consecutive school days in the 45 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.
3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet 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, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
6. Off-air recordings need not be used in their entirety, but the recorded programs may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
7. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
8. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Print Materials

1. Teachers preparing a class may make or request to have made a single copy of:
 - a. a book chapter
 - b. an article from a newspaper or periodical
 - c. a short essay, story or poem
 - d. a chart, graph, diagram, cartoon, drawing, or picture from a book, periodical, or newspaper
2. Teachers may duplicate enough copies to provide one copy for each student in a course, as long as each copy includes a notice of copyright and as long as they meet three tests: the brevity test, the spontaneity test, and the cumulative effect test. (See booklet, "What Educators Should Know About Copyright.", Phi Delta Kappa, Fastback #233, 1986).
3. Teachers may not create through photocopying their own anthologies, compilations, or collective works whether brought together in one collection or reproduced and used separately. Also, any copying must not substitute for book purchase, periodicals, or reprints; this prohibition especially applies to the duplication of "consumable" materials such as workbooks, test booklets, and standardized tests. Students must not be charged more than the actual cost of copying the material. Finally, a teacher must not duplicate the same item from one term to another. (PDK #233)

The FAIR USE provision found in Section 107 of the 1976 Copyrights Act is the first statutory version of a judicial doctrine dating back over 100 years. It is intended to balance the interests of copyright owners with the needs of others for access to copyrighted materials. Educators are the primary but not the sole beneficiaries; limited access is available to news reporters, scholars, researchers, and media critics.

In determining FAIR USE, four basic factors are considered:

1. The PURPOSE and CHARACTER of the use ... nonprofit, educational, or commercial,
2. The NATURE of the copyrighted work...with distinction being made between creative and informational work,
3. The AMOUNT, SUBSTANTIALITY, or PORTION used...in relation to the copyrighted work as a whole and,
4. The effect of the use on the POTENTIAL MARKET of the copyrighted work.