

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

Date Submitted: March 16, 2004	Number: 500-35
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Subject: Using Copyrighted Materials	Date Approved: April 20,2004 March 17, 2009 Date Revised: February 17, 2009 Date Effective: April 20,2004 March 17, 2009

1. PURPOSE

To explain the implications of the federal copyright law on the use of publications, software, and video and audio recordings, establish guidelines for the use of copyrighted materials, and establish procedures for applying for copyright for SCPS materials.

2. BACKGROUND

SCPS staff and students are to comply with these procedures in the use of multimedia formats, and video and audio recordings to protect the authors of these works from infringement upon their legal rights. These procedures have been developed to adhere to federal copyright laws (see www.copyright.gov) and to the SCPS policy on the Evaluation and Selection of Instructional Materials 500-19. This regulation also establishes guidelines for protecting the Board of Education as the holder of reproduction rights to all materials produced by SCPS employees as part of their official duties.

3. PROCEDURES

A. Using Copyrighted Materials

The federal copyright law and associated documents demonstrating legislative intent contain many exceptions that grant educators considerably more latitude in the use of copyrighted material. The procedures outlined here have already taken those concessions into consideration, and thus no staff member should assume the rules can be bent further because the materials are used for instruction. These laws exist primarily to protect the income of copyright holders, and thus any improper use that substitutes for purchasing the item – whether or not the school or teacher can afford to do so – is considered a flagrant violation. It should also be emphasized that many copyright holders are willing to grant reproduction rights of their property on request. Staff members anticipating the use of such material should request that permission as early as possible. A letter or email to the copyright holder (see copyright inscription at the front of the book or on the VHS/DVD label, as the case may be), outlining the proposed use of the material, will result in permission being granted in many instances

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1) Duplicating Printed Documents

Staff members of publications services will not accept copyrighted material for duplication unless permission from the publisher has been obtained. Individual schools and offices should post copyright warning notices near their copying machines/printers to alert staff members of dangers of violating those laws. School personnel may not be required to copy copyrighted material unless permission from the publisher has been obtained or the material falls into the categories described previously. There are, however, limited instances where such copying is permitted.

Printed Material (Short)	<ul style="list-style-type: none"> • Poems less than 250 words; 250-word excerpts of longer poems • Articles, stories, or essays less than 2500 words • Excerpts from longer works • One chart, picture, graph or cartoon per book or periodical • Two pages from an illustrated work less than 2500 words. 	<ul style="list-style-type: none"> • Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes. • Students may incorporate text into multimedia projects 	<ul style="list-style-type: none"> • Copies may be made from legally acquired originals • Only one copy allowed per student • Teachers may make copies in nine instances per class per term • Usage must be “at the instance and inspiration of a single teacher” ie, not a directive from the district • Don’t create anthologies • “Consumables”, such as workbooks, may not be copied.
Printed Material (archives)	<ul style="list-style-type: none"> • An entire work • Portions of a work • A work in which in the existing format has become obsolete 	A librarian may make up to three copies “solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen.	Copies must contain copyright information
Illustrations and Photographs	<ul style="list-style-type: none"> • Photographs • Illustrations • Collections of photographs • Collections of Illustrations 	Single works may be used in their entirety, but no more than five images by a single artist may be used. From a collection, not more than 15 images or 10 percent (which ever is less) may be used.	Although older illustrations may be in the public domain and don’t need permission to be used, sometimes they’re part of a copyright collection. Check your source before using the illustration.

2) Use of Computers and Software

Staff, students, and others using instructional computers and SCPS software are expected to comply with the guidelines stated below regarding the use of copyrighted and/or licensed software.

- a) In observance of the copyright provisions for copyrighted disks, it is illegal to:
 - (1) Copy a disk for use without the written permission from the copyright holder.
 - (2) Use one piece of software to boot more than one machine at a time unless licensed by the copyright holder.
 - (3) Use a BACKUP DISK at the same time the original is being used.
 - (4) Reproduce manuals or parts of manuals documenting software without written permission from the copyright holder.
 - (5) Use educationally licensed software for personal or school use other than “direct training” of staff and students.
- b) In situations where the documentation directs or suggests that the user make an archival copy of the software prior to use only one copy may be made.
- c) Staff should report missing or malfunctioning software to the building administrator.
- d) Software checked out to a staff member may not be loaned to a third party.
- e) The media specialist will receive, process, maintain, and keep the appropriate records for all software. The media specialist will check out software to appropriate staff, and copies of appropriate licensing agreements will be kept on file in the media center.
- f) Staff should read and be aware of any special licensing agreement that may pertain to the use of the software.
- g) The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed.
- h) Only software purchased with a network license may be installed on a network drive.
- i) Teachers, staff and students will adhere to author guidelines which apply to a variety of content licensing options. (Creative Commons (CC))

Video (for integration into multimedia or video projects)	VHS tapes DVD Video clips from the Internet	Students “may use portions of lawfully acquired copyright works in their academic multimedia,” defined as 10 percent or three minutes (whichever is less) of “motion media”.
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Music (for integration into multimedia or video projects)	Any recording of music (records, cassettes, CDs, or audio clips on the Internet)	Up to 10 percent of a copyrighted composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or student. (Multimedia project must have an educational purpose.) A maximum of 30 seconds per musical composition may be used.
Computer Software	Software purchased by county or school.	Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format.
Images	Images may be downloaded from student projects and teaches instruction.	Resources from the Internet may not be reposted to the Internet without permission. Links to legitimate resources may be posted. Any resources posted to the Internet must be legitimately acquired.

3) Use of Videotapes

a) Rented Videotapes

Videotaped movies are strictly protected by copyright laws. Under no circumstances should tapes rented from a video store or “club” be shown to a school assembly or class. Under the law, showings like these are considered “public performances.” Rented tapes, however, are designated for home use only. While some video stores purport to grant “permission” for school showing, staff should be cautioned that these stores do not hold the copyright and therefore have no authority to grant permission. Viewing must be instructional, not for entertainment or reward.

b) Purchased Videotapes

If a lawfully purchased videotape does not bear any prohibition against its use in public performance, either on the box, label or copyright inscription on the tape itself, it may be used in a strictly defined “face-to face” instructional setting. Viewing must be instructional, not for entertainment or reward. Use of movies for such performances, (PBIS incentives) can be shown by paying a public performance fee, from companies such as Movie Licensing USA.

c) Student Viewing

Any video recording that is not property of the school or school system must be approved by the building principal before it is shown to students. For those programs for which permission has been granted to record and whose tapes have been sent to the school, the off-air recording may only be shown in the course of teaching activities within 10 consecutive school days of the date of recording...("School days" are defined as school session days; thus weekends, holidays, vacations, and examination periods or other scheduled interruptions are excluded.) Check with the cable programming to determine length of time video can be retained by school. The recordings may only be used once in the course of relevant face-to-face teaching activities (not for non-instructional entertainment purposes). The off-air recordings may only be repeated once when the teacher has determined that instructional reinforcement is necessary for that same class. The tape may be retained for an additional 35 days for teacher evaluation to determine whether a copy should be purchased. At the conclusion of this 45 day period, the tape must be erased or destroyed.

B. Obtaining a Copyright

1. In accordance with the procedures outlined below, instructional guides, tests curriculum units, pamphlets and like materials, films, slide shows, and video recordings may be copyrighted to protect the rights of the Board of Education. A document in draft form or an audiovisual program in a preliminary stage of production does not have to carry a copyright inscription, but the inscription should be included in the final version when it is published or distributed for showing. The copyright inscription is the first step toward securing copyright protection. Although it is not advisable to distribute an item without a copyright notice, this does not automatically preclude copyright protection. The notice, however, should be inscribed as soon as practicable on all copies
2. Recordings may be copyrighted to protect the rights of the Board of Education. A document in draft form or an audiovisual program in a preliminary stage of production does not have to carry a copyright inscription, but the inscription should be included in the final version when it is published or distributed for showing. The copyright inscription is the first step toward securing copyright protection. Although it is not advisable to distribute an item without a copyright notice, this does not automatically preclude copyright protection. The notice, however, should be inscribed as soon as practicable on all copies.

3. Copyright Inscription

At the time of the initial publication of a document, a copyright inscription is included on the title page or cover, or the reverse side of those pages. In the case of a motion picture or other audiovisual work, the notice can be inscribed by any means as long as it appears whenever the work is performed in its entirety, such as with or near the title, with the credits, immediately following the beginning of the work or immediately preceding the end of the work. The copyright inscription should be read as follows:

Copyright (year)
By the
Board of Education of Somerset County
Westover, Maryland