

Board Policy Document

EDUCATIONAL PROGRAMS

Series 600

Policy Title: Copyright Compliance

Code Number: 603.11

The Board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio visual or printed materials and computer software, unless the copying or using conforms to the “fair use” doctrine.

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

- A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.
- B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers in accordance with these guidelines.
- C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

First Adoption: March 25, 1997
Revision Adoption: September 10, 2002/June 22, 2009
Legal Reference: P.L. 94-553 Federal Copyright Law of 1976
(U.S. Code, Title 17)

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- D. 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 may be an infringement, and making multiple copies presents the danger of greater penalties.

While the District encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District staff to abide by the District's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for District staff to violate copyright requirements in order to perform their duties properly. The District cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the District's procedures or is permissible under the law should contact the Superintendent or the person designated as the copyright compliance officer. For the purposes of this policy, the copyright compliance officer shall be either the Director of Technology or the Head Teacher for Media, as a staff member may choose. The copyright compliance officer will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Any district designated copyright compliance officer in need of legal advice shall request such advice through the Superintendent's Office.