

351. COPYRIGHT POLICY – ADMINISTRATIVE RULES

351.01 Employees and student are to adhere to all provisions of current copyright law and other federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

Specifically:

351.02 Unlawful copies of copyrighted materials may not be produced on district owned equipment.

351.03 Unlawful copies of copyrighted materials may not be used with district owned equipment, within district owned facilities, or at district sponsored functions.

351.04 Employees who make or use copies of copyrighted materials in their jobs are expected to research and follow provisions regarding fair use and public display, and are further expected to be able to provide upon request, the justification for materials that have been used or copied.

351.05.1 LIMITATIONS ON EXCLUSIVE RIGHTS: FAIR USE

The most common exception to the exclusive rights given to copyrighted materials is the "fair use" doctrine. This exception sets forth several criteria to be used in determining whether or not a proposed use of copyrighted materials constitutes an impermissible infringement of the copyright. The criteria are:

1. The purpose and character of the use A use is permitted if the copying is being done for educational and not commercial purposes
2. The nature of the copyrighted work. The copying is not permitted if the original work was intended to be consumable.
3. The amount and substantiality of the portion used The larger the amount and the greater the percentage of work used, the more likely it is that the copying is not permissible.
4. The effect on the potential market for or value of the work.

If it is likely that the copyright owner will suffer a financial loss because of the copying, the copying is not permissible.

Staff members shall apply all of these criteria when determining whether an original work can be used or reproduced in compliance with copyright laws. Specific guidelines for fair use of each medium follow. The status of staff members as district employees does not provide them with immunity for any violations of copyright law.

351.05.2 LIBRARIES

1. According to the proviso of Section 108 of the copyright law (Public Law 94-553, Title 17), a library or any of its employees acting within the scope of their employment, may reproduce copies of print works and phono records under specific circumstances:

- (1) Purposes of preservation
- (2) Purposes of private study, scholarship or research (Does not permit classroom use)
- (3) Purposes of inter-library loan

2. Notwithstanding any of the above, the following shall be prohibited:
 - (1) Copying for direct or indirect commercial advantage
 - (2) The systematic reproducing or distribution of single or multiple copies
 - (3) Copying to substitute for a subscription to a work or the purchase of a work
3. The provisions of sections 351.05.2 1. and 2. above do not apply to musical, pictorial, graphic, sculptural, motion picture or audiovisual works.
4. Copies made under the proviso of Section 108 for inter-library loan, must include the notice of copyright.
5. A library that requests reproductions of print or phonorecords via inter-library loan must make certain that its requests conform to the CONTU Guidelines and must maintain records of its requests for the required number of years.
6. Libraries must display prominently, at the place where orders for reproductions are accepted, a warning that copying will be done in accordance with the copyright law.
7. Reproducing equipment located on the premises must display the proper notice that the making of a copy may be subject to the copyright law.

351.05.3 PRINT

1. According to the concept of "Fair Use" in Section 351, a single copy of any of the following may be made by or at the individual request of a staff member for research or use in teaching:

- (1) A chapter from a book
- (2) An article from a periodical or newspaper
- (3) A short story, short essay, or short poem whether or not from a collective work
- (4) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper

2. Multiple copies (not to exceed more than one copy per pupil) may be made by or at the request of an individual staff member for classroom use, provided that:

Tests of "brevity and spontaneity"

- (1) Brevity
 - Poetry: A complete poem if less than 250 words and if printed on not more than two pages or, from a longer poem, an excerpt of not more than 250 words
 - Prose: Either a complete article, story, or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.
 - Note: Each of the numerical limits above may be expanded to permit the completion of an unfinished line of a poem or an unfinished prose paragraph.
 - Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

- Special works: Certain works in poetry, prose, or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

(2) Spontaneity

- The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
- Time does not allow for purchasing the material
- The material is used only once
- The copyright notice is printed on each copy of the material

3. Notwithstanding any of the above, the following shall be prohibited:

- (1) Copying of or from works intended to be "consumable": Workbooks, exercises, standardized tests, answer sheets, other consumable materials
- (2) Copying to create or replace anthologies
- (3) Copying to substitute for the purchase of material
- (4) Illegal copying directed by a higher authority
- (5) Repeated copying of the same item by the same staff member from term to term
- (6) More than nine instances of such multiple copying for one course during one class term.

4. The Regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

351.05.4

AUDIOVISUAL MATERIALS

1. The "fair use" criteria in Section 351 should be applied to each intended use of all audiovisual materials being considered for classroom use.

2. In order for a school to use film or video in the educational program without having to pay royalties for public performance, the use must meet all four of the following criteria:

(1) The presentation must take place in a classroom or other place of instruction in a non-profit educational institution

(The use of our closed circuit distribution system is acceptable); and,

(2) The presentation must be directed by students or teachers of the institution; and,

(3) The presentation must be in the course of face-to-face teaching activities

(Presentation must be directly related to the curriculum. Presentation showing for entertainment or reward is specifically prohibited under the fair use guidelines unless the school has purchased a public performance site license for the presentation); and,

(4) The presentation must be made from a copy of the work which was legally made or acquired.

(The use of commercially produced audio/visual materials whether rented or privately owned is specifically prohibited except as a one time preview to evaluate for school purchase or unless the school building in which the audiovisual material is shown has purchased a license which gives permission to use it for entertainment purposes.

3. Each school will maintain a district approved log that includes the following information for each showing of film or video materials:

- (1) Program title
- (2) Date shown
- (3) Teacher's name
- (4) Source: district owned, rented for preview, privately owned for preview
- (5) Presentation by: distribution system, stand alone TV/VCR
- (6) Purpose: shown for curriculum related, reward, entertainment

351.05.5 VIDEO RECORDING

1. The use of recorded programs from non-cable broadcast channels is permitted if shown within 10 school days and meets the requirements of section 351.05.4. This media must be erased by the end of the tenth school day.

2. The use of recorded programs from cable only channels requires research on the specific rights of the program. Use is permitted as copyright allows.

351.05.6 COMPUTER SOFTWARE

1. Section 7 (b) of Public Law 96-517 grants to the purchaser the right to copy a program if and only if:

(1) Such a copy is an essential step in the utilization of the program in conjunction with a machine

(2) The copy is for archival purposes

2. The following computer software may also be copied by or at the individual request of a staff member for classroom use:

(1) "In house" productions

(2) Uncopyrighted works or works in the public domain

3. Notwithstanding the above, the following shall be prohibited:

(1) Copying copyrighted programs on district equipment

(2) Using illegal copies of copyrighted programs on district equipment

(3) Purchasing programs designed primarily as "break and entry" tools with district, state or federal funds

(4) Booting single copies of copyrighted programs into more than one machine without authorization from the copyright holder

(5) Using "archival" copies of software as additional copies

4. The Regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

351.05.7 MUSIC

1. The "fair use" criteria in Section 351 and the guidelines under "fair use" for music, should be applied to each intended use before copying any copyrighted music or musical works.
2. Permissible Uses include:
 - (1) Emergency copying to replace purchased copies which are unavailable for an imminent performance
 - (2) Making copies of excerpts of works for academic purposes
 - (3) Editing or simplifying purchased works provided that the fundamental character of the work is not changed
 - (4) Making a single copy recording of a student performance
 - (5) Making a single copy of a copyrighted sound recording for the purpose of an oral exercise or examination
3. Notwithstanding the above, the following shall be prohibited:
 - (1) Copying to create or replace anthologies
 - (2) Copying of or from works intended to be consumable
 - (3) Copying for the purpose of performance
 - (4) Copying to substitute for the purchase of material
 - (5) Copying without the inclusion of the copyright notice
4. The Regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

351.05.8 THE FAIR USE GUIDELINES FOR EDUCATIONAL MULTIMEDIA PROJECTS

Multimedia projects include web pages, computer generated presentations, work that mixes video, audio, or computer resources. All students and staff need to follow these policies when creating and using multimedia materials.

1. Notice of Use Restrictions

Educators and students must include the following copyright compliance disclosure on the opening screen of their multimedia project:

The following presentation includes certain materials allowed under the fair use exemption of the US Copyright Law.

Project Completion Date: xx/xx/2000

Fair Use Termination Date: xx/xx/2000

(Two years after the first date the presentation was used for staff)

(Students may keep in their portfolios indefinitely)

The following is a bibliographic description of the information source for each page/screen that contains materials created by others when available.

Source One: 1.) Author

- 2.) Title or Description
- 3.) Media type (CD-ROM, Internet, Book)
- 4.) Publisher
- 5.) Internet Address Downloaded From
- 6.) Date Obtained for this project

Source Two: 1.) ...

Each page or screen that contains copyrighted materials must also include the copyright notice mark "©". See your resource teacher if you need help inserting this mark.

2. Permitted Educational Uses for Staff and Students:

General guidelines for fair use:

- (1) Educational use in the course for which they were created.
- (2) Inclusion in personal portfolios as examples of work. Staff members must follow the time limits expressed below. Students may retain presentations in their personal portfolio without a time limitation.
- (3) Presentation to peers at workshops and conferences.
- (4) Personal use, such as in job interviews and school applications.
- (5) Face-to-face curriculum based instruction.
- (6) In directed self-study by students.
- (7) Over real-time secure data networks.
(Oregon's secure internal computer and audio/visual networks)

3. Materials displayed on the Internet:

(available to the world)

You may include only your original work and non-copyrighted materials for work that will be distributed on the Internet web server.

4. Materials displayed on the Intranet:

(available only to the Oregon School District Buildings)

You may use copyrighted material as described in the Oregon Fair Use Guidelines as listed above for work that will be distributed on the Intranet web server.

5. Time Limitations:

Educators may use their multimedia projects created for educational purposes for a period of up to two years after the first instructional use. Beyond that time period requires written permission for each copyrighted portion incorporated in the production.

6. Copying and Distribution:

No more than two use copies may be kept; one for use by the author and the second can be made available for use by other educators or students. One additional copy is permitted as a backup. Multiple authors may each have a copy for peer conferences and portfolio use. All copies must be destroyed at the "Fair Use Termination Date" (after 2 years).

7. Portion Limitations:

The limits described below apply to the total amount of material derived, in aggregate, from a single copyrighted work that is incorporated in educational multimedia. The guidelines recognize that grades K-6 may not be able to adhere rigidly to the portion limitations.

Illustrations and

Photographs Up to 5 images by a single artist or photographer, or 15 images or up to 10% from a published collective work may be reproduced or otherwise incorporated as part of an educational multimedia project.

Music, Lyrics, and

Music Video You may use up to 10% but no more than 30 seconds of a musical work or other recorded audio. You may not alter the basic melody or character.

Numerical Data Sets You may use up to 10% or 2500 field or cell entries, whichever is less.

Poems You may use an entire poem, if less than 250 words, but no more than 3 excerpts from a single poem, up to 5 excerpts from different poets in an anthology.

Text You may use up to 10% or 1000 words, whichever is less.

Video You may use up to 10% or 3 minutes, whichever is less.

8. Exceptions to the above policy:

If you wish to exceed the above use limits you must get written permission from the author of the materials.

9. Non-copyrighted materials:

(1) Check with your building media specialist for audio or video resources that have been purchased with unlimited use rights for your presentations.

(2) Work that is entirely original and contains no materials created by others does not need to meet the above policy.

(3) Clip art that is provided by a software application and is used to create a multimedia project with the same application is not considered to be copyrighted material.

10. Sources:

(1) Zarinnia, Anne. "Highlights of the Fair Use Guidelines for Educational Multimedia." WEMA Action Sheet, Vol 1, No. 1, 1977.

(2) Davidson, Hall. "Technology and Learning", pages 59 - 62, September 1999.

351.06 Appendix Computer Use, Information Release, Photograph/Video Release, and Grade Posting Consent

I hereby request that the following directives be honored for:

_____ Who attends:

(Student's Name)

(School) (School)

Use of Student Pictures or Video in Public Media

The above named student is not to be directly photographed and/or video taped. By checking this box your child's picture will not be included in any yearbook, school newspaper,

community newspaper, shown on channel 12 WOW community access television, or other media. However, pictures or video that may be produced at large group gatherings such as athletic events, school concerts, plays, or other similar activities may include your child's picture.

Use of Student Pictures in Web Pages

I give the School District permission to use a picture(s) of the above named student in web pages produced by students or staff and displayed on the Oregon School District web server. All pictures of students that display more than one-half of the facial area must have this check box marked to be used in a web page.

Student Use of Computer Technology

While using computer technology in the Oregon School District, the student agrees to comply with the attached rules regarding computer use. Checking this box does not permit access to Internet and e-mail resources.

Student Use of Internet Resources

In addition to daily use of computer technology, I grant permission for my student to personally access the Internet and e-mail resources. I understand that some materials accessible via the Internet may contain objectionable materials. This applies to grade 5 -12 only, grade K-4 students must be directly supervised by an adult when accessing the Internet.

Grade Posting Consent

I grant the faculty of the above named school permission to post all grades and scores earned by the identified student on examinations and on written materials, including the final course grade during the current school year. I understand that these grades and scores will not be posted under the students' name but by a 5-digit number I submit below. (Students are urged not to use a number that is derived from the student number, social security number, telephone number, birth date, or other number that is easily identified with them.

Use this number: ____ ____ ____ ____ ____

DIRECTORY DATA INFORMATION RELEASE

The school district has been informed that student directory information **MUST** be made available to any outside party upon their request unless the parent or guardian indicate they do not wish to have this information released. We call this to your attention because unless you direct us not to we may be releasing the following information about your child if it is requested by any outside agency:

- 1.) Student's Name
- 2.) Student's Major Field of Study
- 3.) Student's Participation In Officially Recognized Activities Or Sports
- 4.) Student's Weight or Height If A Member Of An Athletic Team

- 5.) Student's Dates Of Attendance
- 6.) Student's Degrees And Awards
- 7.) Name Of The Most Recent School Previously Attended By The Student
- 8.) Student's Photograph

Please check the appropriate item for Directory Data Information Release. If you do not check an item, or do not sign this form, it will indicate that you do not wish to declare any restrictions on the release of directory data.

Directory data may be released

Directory information may be used only for school purposes such as annuals athletic and other printed programs or other areas directly related to school activities.

No directory information shall be released for any reason.

Signatures below apply to both page 1 and page 2 of this form. This release form will remain in effect until the student's school building assignment changes or the School District is notified otherwise.

Student Signature (Grades 5 -12) (Date) ID number

(Signature of Parent, Guardian or Eligible Student) (Date)

This form will be kept on file in the building office.
02/26/2001

Revised May 12, 2008