

## SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. It is each staff member's responsibility to comply with the district's copyright procedures. The district is not responsible for violations of the copyright laws by its staff or students.

### *Use of Copyrighted Materials*

It is well recognized that limited use of copyrighted material for educational purposes, without permission, is allowable under the "fair use" doctrine. In order to determine if the use of copyrighted material is permitted under the fair use doctrine, the following factors must be weighed:

1. The purpose and character of the use (i.e., is it for instructional purposes?);
2. The nature of the copyrighted work (i.e. is it a newspaper article or photograph?);
3. The amount and substantiality of the portion used in relation to the work as a whole (i.e., is it a short excerpt?);
4. The effect of the use upon the potential market for or value of the copyrighted work (i.e. by reproducing it, does it impact the ability of the author/owner to sell it?)

Staff members should consult with the Assistant Superintendent for Curriculum and Instruction or the Assistant Superintendent for Business when they have a question as to the use of copyrighted material or if they need assistance in obtaining proper authorization for the use of material.

### *Materials Created by District Employees or Others*

The district is the holder of the copyright for works made for hire (e.g., materials prepared by an employee within the scope of his/her employment, including instructional texts, tests, answer sheets, etc.). The district shall be considered the author and owner of the copyright unless there is a separate written agreement with the employee that specifies a different arrangement.

When work is specifically commissioned, and the author is not an employee of the district, there shall be a written agreement specifying authorship and copyright arrangements.

The Superintendent of Schools is hereby directed to keep accurate records of all materials involving copyright laws and to develop such rules and regulations, as he/she may deem appropriate to carry out this policy.

Cross-ref:        4526, Computer Use in Instruction  
                       8630, Computer Resources and Data Management

Ref:        17 U.S.C. §§101; 106; 107; 117; 201; 302  
                       *Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (SDNY 1991)  
                       H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976)

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