



Boulder Valley School District

File: EGAAA-R

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Associated Policy: EGAAA

REPRODUCTION AND USE OF COPYRIGHTED MATERIALS (Non-Print and Print)

This regulation shall govern the anticipated reproduction of any copyrighted materials, either non-print or print, by any employee of the Boulder Valley School District. This regulation outlines procedures for the following types of materials: off-air recordings; video tapes, laser disks, and other audiovisual printed materials that are rented or purchased; computer software; and printed materials. Failure to comply with this regulation may result in employee discipline and inclusion in any litigation resulting from the violation.

Off-Air Recordings

These procedures (1) permit the use of off-air recordings in face-to-face instruction, and (2) allow staff to use off-air recordings to preview instructionally related materials for possible acquisition through purchase, lease, rental, or free-loan agreements by the District.

The following procedures and requirements must be followed to obtain and use off-air recordings:

1. Teachers requesting that instructionally related programs be recorded by the DIMC for classroom use shall complete and sign a Video Release Form. If a teacher elects to record a program rather than requesting that the DIMC make the recording, the form is not necessary, but actions must comply with these procedures.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities in educational settings, and repeated once only when instructional reinforcement is necessary. Use of the off-air recording must occur within the first ten consecutive school days in the 45 calendar day period during which the recording may be retained. "School days" are school session days, not including weekends, holidays, vacations, examination periods, and other scheduled interruptions. 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 to include the broadcast program in the curriculum.

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.
4. 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.
5. All off-air recordings of network, cable, or satellite programs shall be erased or destroyed no later than 45 calendar days after the taping of the program, except as noted below.
6. Off-air recordings may be retained beyond the 45 calendar day period only with written approval of the appropriate copyright holders. Individuals who wish to retain recordings beyond the 45 calendar day period will be responsible for researching and obtaining permission from the appropriate copyright holders.
7. The off-air recorded program shall not be used for public or commercial viewing and are subject to all copyright laws.
8. The off-air recorded program shall be used for specific curriculum application for which the request was intended and no other curriculum application is authorized.
9. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to create teaching anthologies or compilations.
10. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
11. The principal of each school is responsible for establishing practices which will enforce these procedures in the school.

Video Tapes, Laser Disks, DVDs and Other Audiovisual Materials That Are Rented or Purchased

The following procedures and guidelines must be followed for the use of rented or purchased video tapes, laser disks, DVDs and other audiovisual materials as well as off air recordings of movies:

1. Use of video tapes, laser disks, DVDs and other audiovisual materials must be part of a systematic course of instruction, and their use must be directly related to their teaching content. Video use shall also be consistent with the supplementary learning materials guidelines described in Board of Education policies IIAA, IIAB, and associated regulations. Under no circumstances shall any X-rated video or film be shown.

- Videos/films may require parent permission prior to their scheduled showing using Form EGAAA-E "Parent Permission for Classroom Video Tape Showing." Students who are exempted by their parents or guardians shall be provided an appropriate alternative assignment. The guidelines for when permission is required are displayed in the chart on page 3.

GUIDELINES FOR OBTAINING PERMISSION FOR VIEWING VIDEOS/FILMS

	No Permission Form Required	No Permission Form Required for District owned or recommended media	Permission Form Required for all students
Elementary	G Rating	G Rating	PG, PG-13 Ratings R not allowed
Middle School	G Rating	G, PG Ratings	PG-13, *R Ratings
High School	G, PG, PG Ratings	G, PG, Pg13, Ratings	R Rating

*R-rated materials must be district owned or approved. Use of any unrated film or video shall require prior approval of the principal or media specialist.

- Videos which have been purchased or rented for "home use only" may be used in an educational setting for "instructional" purposes. Instructional purposes must be part of a regular class, the showing is in an educational setting, and the showing is not open to the public.
- Their use must take place in a classroom or similar place devoted to instruction.
- The purchase or rental of such materials by individual schools is the responsibility of the school principal, who shall provide leadership for the development of procedures governing these activities.
- These guidelines exclude showing of videos as described in (3) for entertainment or fundraising purposes.

Computer Software

1. School District employees may make or authorize the making of another copy or adaptation of a copyrighted computer program when:
 - a. such new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and it is used in no other manner, or
 - b. such new copy or adaptation is for archival purposes only, and that all archival copies are destroyed in the event that continued possession of the entire program ceases to be rightful.
2. Illegal copies of copyrighted programs may not be made or used on school equipment.
3. No employee shall encourage or allow any student to illegally duplicate computer software or improperly access any database or electronic bulletin board requiring access rights.
4. The legal, ethical, and practical problems caused by software piracy will be included in computer instruction in the schools.
5. The principal of each school and head of each central office department is responsible for establishing practices which will enforce these procedures in the school or department.

Printed Materials

No employee of the District shall duplicate printed copyrighted materials unless such duplication and its use falls within the boundaries of the "fair use" doctrine.

Practice within the "fair use" doctrine requires consideration of four factors:

1. The purpose and character of the use, including whether such use is of a commercial nature or for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

In order to allow for oversight of their use, the principal or central office department head shall determine where each copy machine is to be located and shall post a copy of the "Printed Materials" section of this regulation in the immediate vicinity of each copy machine.

The following specific regulations for duplication of printed copyrighted materials will be observed by all employees of the School District:

1. Books and Periodicals

a. A teacher or designee may make a single copy of any of the following for use in teaching or preparing to teach:

- (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, or
- (4) a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

b. In each instance where multiple copies are allowed, each copy must include a notice of copyright. When the copying is at the instance and inspiration of an individual teacher and the decision to use the work and the timing of its use for maximum effectiveness are too close in time to expect a timely reply to a request for permission for use, a teacher may make multiple copies, not to exceed more than one copy per pupil in a course, of any of the following:

- (1) poems or excerpts of poems of less than 250 words,
- (2) complete articles, stories, or essays of less than 2500 words
- (3) prose excerpts of 1000 words or 10 percent of the work, whichever is less but in any event a minimum of 500 words,
- (4) one chart, graph, drawing, etc., per book or periodical issue, or
- (5) excerpts from children's books comprising not more than two of the published pages and containing not more than 10 percent of the words found in the entire work.

c. A teacher *may not* make multiple copies of the following:

- (1) works that have been copied for other courses in the school,
- (2) more than one work or two excerpts from one author in one term,
- (3) more than three works or excerpts from one anthology or periodical volume in one term, or

(4) works more than nine times in one term.

The limitations stated above in (2), (3), and (4) do not apply to newspapers or current news sections of periodicals.

d. A teacher may not make copies of:

(1) works to take the place of anthologies or to substitute for the purchase of books or periodicals,

(2) "consumable" works such as workbooks, test booklets, or answer sheets,

(3) the same work from term to term, or

(4) any protected work, even if directed to do so by a supervisor.

e. No charge may be made to students beyond the actual cost of photocopying, in those circumstances in which such a charge is appropriate.

2. Music and Recordings

a. A music educator or designee *may* copy printed music, not to exceed one copy per student and with the inclusion of the copyright notice appearing on the printed copy, in the following limited circumstances:

(1) emergency copying to replace purchased copies which are needed for a performance,

(2) excerpts of works for non-performance purposes, if they do not comprise performable units (*e.g.*, a movement) and are less than 10 percent of the whole work, or

(3) a complete work that is confirmed by the copyright proprietor to be out of print or that is unavailable except in large works, when it is used for teaching purposes.

b. A music educator or designee *may not* copy the following:

(1) copyrighted musical works to replace collective works,

(2) works intended to be "consumable" in the course of study or teaching, or

- (3) copyrighted works for the purpose of performance or to substitute for the purchase of music, except in those circumstances described in section a., above.

3. **Reproduction of Works by Libraries**

Major restrictions are placed on reproduction of works by school media centers. Systematic duplication of multiple copies is forbidden with the following exceptions:

- a. Inter-library loan arrangements are permitted, provided that copying is not done to substitute for subscriptions to or purchase of a work. Detailed records of all inter-library loan requests for copied materials must be kept. Pursuant to such requests, libraries may make no more than five copies within any calendar year of an article or articles from all issues of a specific periodical published within the last five years or any other copyrighted work.
- b. Libraries may make *single* copies of articles or excerpts of other copyrighted works for individual requesting students, provided the copy becomes the property of the student and the library has no knowledge that the copy will be used for anything other than private study.
- c. Libraries may also make single copies of the following:
 - (1) unpublished works for preservation, or
 - (2) published works to replace damaged, deteriorating, lost or stolen, or out-of-print works after it has been determined that an unused replacement cannot be obtained at a fair price.

Libraries must display notices on or in the immediate vicinity of copy machines to the effect that making a copy may be subject to the restrictions of the copyright law.

LEGAL REFS.:

Title 17, U.S.C. (P.L. 94-553, October 19, 1976) (*Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions*)

CROSS REF.: [GCQB](#), Professional Research and Publishing

End of File: EGAAA-R