

It is the intent of the Anaheim Union High School District Board of Trustees to adhere to the provisions of the United States copyright laws. This policy represents a sincere effort to operate legally in accordance with all applicable state and federal laws.

It is expected that all district staff shall act in accordance with copyright laws and maintain the highest ethical standards in using copyrighted materials. Copying materials not specifically allowed by (1) copyright law, (2) fair use guidelines, (3) licenses or contractual agreements, or (4) written permission from copyright holder, is prohibited.

The district does not sanction illegal use of duplication in any form. Employees who willfully violate the district's copyright position do so at their own risk and assume all liability responsibilities. The district's legal or insurance protection will not be extended to employees who violate copyright laws. In the event said employee is found guilty of violating existing copyright law by administrative law judge, judge, or jury; or a combination thereof, the employee will be required to remunerate the district in the event of loss due to litigation. Willful infringement of the copyright policy by students or staff will result in disciplinary action.

The superintendent or designee shall maintain regulations to discourage violation of all copyright laws and prevent illegal copying activities.

**ADMINISTRATIVE RESPONSIBILITIES**

Appropriate records regarding the use of copyrighted materials by district employees (i.e., license agreements, permissions, off-air duplication rights) shall be maintained in a designated area within the Education division.

It is the responsibility of the Assistant Superintendent, Education, or his/her designee, to establish and implement appropriate procedures, prepare and distribute a copyright manual, and conduct training programs to assure that district personnel are advised on the current copyright law so they can perform their duties within the intent of the law.

The local unit chief administrator (i.e., school site principal, director) is responsible for establishing practices that will enforce the provisions of copyright regulations. He/She will identify an individual (i.e., library/media personnel, audiovisual coordinator, computer lab technician) to act as a liaison person for staff information, control of approval process (written and verbal), and the maintenance of written records relative to the duplication and distribution of copyrighted materials.

The local unit chief administrator shall determine where each copy machine is to be located and shall cause a copy of the "Printed Materials" section of this regulation to be posted in the immediate vicinity of each copy machine. A copyright notice should be placed on or near all equipment capable of duplicating copyrighted materials including computers, scanners and printers.

**SAMPLE:**

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**NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, U.S. CODE) GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIALS. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.**

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**REQUESTS FOR PERMISSION TO USE COPYRIGHTED MATERIALS**

Each employee making a duplication shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information.

1. title, author(s), editor(s); or publisher, producer(s), distributor
2. edition, copyright, and/or production year
3. exact amount of material to be used (i.e., lines, pages, running time, etc.)
4. nature of the use (i.e., how many times, when, and with whom the material will be used)
5. number of copies to be made
6. how the material will be duplicated
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

**GUIDELINES FOR DUPLICATION AND USE OF COPYRIGHTED MATERIALS**

No employee of the Anaheim Union High School District shall duplicate in any manner, any printed copyrighted material unless such duplication and its use fall within the boundaries of the "fair use" doctrine.

The Copyright Act attempts to define "fair use" and establishes fixed limitation on duplication for schools and libraries. The law codifies four standards for determining fair use: (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.

The following guidelines differentiate between permitted and prohibited uses of printed materials, sheet and recorded music, duplication by libraries, audiovisual materials (i.e., films, filmstrips, or slide programs), and videotapes.

**PRINTED MATERIALS****Permitted Uses**

1. Single copies at the request of an individual teacher
  - (a) a chapter of a book
  - (b) an article from a magazine or newspaper
  - (c) a short story, short essay, or short poem, whether or not from a collective work
  - (d) a chart; graph; diagram; drawing; cartoon; or a picture from a book, magazine, or newspaper

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course
  - (a) a complete poem if less than 250 words and if printed on not more than two pages
  - (b) an excerpt from a longer poem not to exceed 250 words
  - (c) a complete article, story, or essay of less than 2,500 words
  - (d) an excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event, a minimum of 500 words
  - (e) one chart, graph, diagram, cartoon, or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

### **Prohibited Uses**

1. copying more than one work or two excerpts from a single author during one class term
2. copying more than three works from a collective work or periodical volume during one class term
3. copying materials for more than one course in the school where the copies are made
4. more than nine sets of multiple copies for distribution to students in one class term
5. copying used to create, replace, or substitute for anthologies or collective works
6. copying "consumable" works such as workbooks, standardized tests, answer sheets, etc.
7. copying that substitutes for the purchase of books, publishers' reprints, or periodicals
8. repeated copying of the same item by the same teacher from term to term

The above prohibitions do not apply to current news magazines and newspapers.

**SHEET AND RECORDED MUSIC**

## Permitted Uses

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performance unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performance unit (i.e., a movement or aria) may be made, provided it is either
  - (a) confirmed by the copyright proprietor to be out of print, or
  - (b) unavailable except in a larger work.

This may be done by or for a teacher only for scholarly research or in preparation for teaching class.

7. A single copy of a portion of a sound recording may be made by or for a student, i.e., song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

**Prohibited Uses**

1. copying to replace or substitute for anthologies or collections
2. copying from works intended to be "consumable"
3. copying for purposes of performance except as noted in an emergency

4. copying without inclusion of copyright notice on the copy
5. duplication of tapes, unless duplication rights were given at time of purchase
6. duplication of musical works or conversion to another format, e.g., record to tape
7. copying to substitute for purchase of music

**REPRODUCTION} DUPLICATION OF WORKS BY LIBRARIES**

The Copyright Act imposes major restrictions on duplication of works by school libraries. Systematic duplication of multiple copies is forbidden by law with exception of the following carefully defined exceptions:

1. Interlibrary loan arrangements are permitted, provided copying is not done to substitute for subscriptions to or purchase of a work.
2. Libraries may make up to six copies of the following:
  - (a) a periodical article published within the last five years
  - (b) excerpts from longer works
3. Libraries must keep detailed records of all interlibrary loan requests.
4. Libraries may make single copies of articles or excerpts of records or longer works for students, provided the articles become the property of the student.
5. Libraries may make copies of unpublished works for preservation, published works to replace damaged copies, and out-of-print works which cannot be obtained at a fair price.

To avoid liability for copyright infringement on the part of the library or an employee as a result of unsupervised duplicating, libraries must display notices to the effect that making a copy may be subject to the copyright law.

**AUDIOVISUAL WORKS****Permitted Uses**

1. A single copy of a portion of a copyrighted film may be made by a student for educational purposes if the material is owned by the school which the student attends.

2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be duplicated from a series if reproduction does not exceed ten percent of the total or excerpt the essence of the work.
4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic duplication.
5. A single overhead transparency may be created from a single page of a "consumable" workbook.
6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.
7. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
8. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

**Prohibited Uses**

1. Duplication of an audiovisual work in its entirety unless duplication rights were given at time of acquisition
2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured
3. Duplication of tapes unless duplication rights are obtained
4. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the expressed written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it.

**VIDEOTAPE (rentals and purchases)****Permitted Uses**

1. Video programs marked "FOR HOME USE ONLY" that are purchased or rented may be used in educational "face-to-face" teaching activities as part of a systematic instructional plan.
2. Use of rented, purchased, or off-air recorded videotapes must be part of the course of instruction and not for entertainment or recreation and their use must take place in a classroom or similar place devoted to instruction.

**Prohibited Use**

1. Programs recorded off-air, or rented from a local video store may not be used for entertainment, fund raisers, or time fillers unless such use was negotiated at the time of purchase or rental, usually in the form of a licensing agreement. When renting from a video store, the renter agrees to all stated or implied conditions of the rental agreement; renters may, therefore, wish to request a release statement from the rental agency specifically granting permission for instructional use of the rented cassette.
2. Use of Anaheim Union High School District owned equipment for making or playing back copies that are not legally acquired is prohibited. The following notice may be placed on all district video recorders or players.

**MANY VIDEOTAPED MATERIALS ARE PROTECTED BY COPYRIGHT. 17 U.S.C.  
#101.UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW**

**TELEVISION (OFF-AIR VIDEOTAPING)--GUIDELINES FOR USE**

Off-air videotape recording service is provided by school library/media centers and the district educational technology department. The service includes videotaping from channels received from satellite, network, or cable (except pay channels such as HBO, Showtime, Disney, etc.) television resources as well as instructional television. The primary purpose of these procedures is to permit use of off-air videotape in the instructional process and enable staff to preview instructionally related materials for possible acquisition through purchase, lease, rental, consortium memberships, or free loan agreements by the district.



To help prevent problems involving copyright violations on the part of the district or district employees, off-air taping of materials shall be accomplished under the following conditions.

1. Any teacher desiring that an instructionally related program be taped by the district for classroom use shall complete a "Request For Off-Air/Videotaping" (form may be ordered from Ed Technology). Such requests must be signed, which in effect is an agreement to abide by the provisions of this regulation. If a school elects to videotape at a local unit, a similar form must be used. An individual may use video programs taped at home as long as he/she complies with the policy and regulations adopted by the Board of Trustees regarding its use.
2. Unless otherwise authorized by the Assistant Superintendent, Education, or his/her designee, all videotape recordings of network programs shall be erased no later than 45 days after the taping of the requested program.
  - a. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten consecutive school days in the 45 calendar-day retention period.
  - b. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
  - c. 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 or not to include the broadcast program in the teaching curriculum. They may not be used for student exhibition or any other non-evaluation purpose without authorization.

3. Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview evaluation portion of the "Request for Off-Air Videotaping" form to the educational technology department who will be responsible for requesting permission to use or retain copyrighted television programs beyond the 45-day retention period. Videotapes of commercial programs may only be retained with written approval of appropriate copyright holders.
4. Copyright law and cable franchise agreements exclude the Anaheim Union High School District from recording or using pay channels such as "Showtime," "HBO," "Disney," etc. for classroom instruction. This provision covers any program broadcast by pay channels and intercepted through the use of cable channels or a satellite dish. Exceptions may be authorized by the Assistant Superintendent, Education, or his/her designee, and some "pay programs" may be available for legal acquisition.
5. Use of off-air recordings made from a satellite dish must conform to the 45-day retention period established for broadcast or cable programming.
6. Taped programs shall not be exchanged with other schools in the Anaheim Union High School District or other school districts without approval of the Assistant Superintendent, Education, or his/her designee.
7. The taped program shall not be used for public or commercial viewing.
8. The taped program shall be used for the specific curriculum application for which the request was intended and no other curriculum application is authorized.
9. Published lists of authorized videotape libraries shall be prepared and maintained for each local site.
10. Videotape programs which fall under the state's sex education codes 51550, 51820, and 51240 may only be used following the established parent notification and material review process.
11. 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 constitute teaching anthologies or compilations.
12. When a television presentation is determined to be of educational value for classroom use, a request may be made to the networks or producers for permission to tape or retain copyrighted works. Requests to producers for permission to duplicate copyrighted materials shall include the following information:

- (a) correct title of the materials
- (b) number of copies to be made
- (c) use to be made of duplicated materials

**Prohibited Use:**

1. Off-air recording in anticipation of teacher requests
2. Using the recording for instruction after the 10 day use period
3. Holding the recording for weeks or indefinitely because:
  - a. Units needing the program concepts are not taught within the ten-day use period.
  - b. An interruption or technical problems delayed its use.
  - c. Another teacher wishes to use it or for any other supposedly "legitimate" educational reason.
4. On occasion, a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.

**COMPUTER SOFTWARE--GUIDELINES FOR USE**

The Anaheim Union High School District recognizes and supports the limitation imposed by copyright laws. These laws specifically prohibit unauthorized duplication of software (and its documentation) except to provide for archival back-up copies.

Therefore, the district declares it to be inappropriate to use "pirated" or otherwise illegally obtained software on district equipment--whether for instructional, administrative, or any other purpose. Furthermore, use of district equipment to make unauthorized copies of district owned, privately owned, or illegally obtained software is prohibited.

To minimize the motivation to use illegal copies of software in instructional programs and administrative systems, the district is committed to working with software producers and distributors to encourage appropriate pricing, previewing, and replacement policies for software purchases.

In an effort to discourage violation of copyright laws and to prevent illegal use of computer system,

1. the proper use of computers will be taught through planned computer curriculum and computer-related instruction for students and staff shall address the ethical and practical problems caused by software piracy.

2. district employees will be expected to adhere to the provisions of Public Law 96.517, Section 7(b) which amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy for computer programs. This states that "...it is not an infringement for the owner of a computer program to make or authorize the making of another copy or adaptation of that computer program provided.
  - (a) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
  - (b) that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event continued possession of the computer program should cease to be rightful."
3. When software is to be used on a disk-sharing system, efforts will be made to secure this software from copying.
4. Illegal copies of copyrighted programs may not be made or used on school equipment.
5. The superintendent or his/her designee is the only individual who may sign license agreements for software in the district. (Each school using the software should have a copy of the signed software duplication.)
6. No employee of the district shall surreptitiously or illegally access any Database or electronic bulletin board.
7. No employee of the district shall encourage or allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board.
8. The principal of each school site is responsible for establishing practices which will enforce this policy at the school level. A copyright warning notice may be placed on computer equipment.

**AUHSD POLICY ON SOFTWARE COPYING**

**Proprietary software packages are protected by copyright laws.  
DO NOT COPY without authorization.  
To do so will make YOU liable for damages.  
THINK BEFORE YOU COPY!**

**Legal References:**

Education Code Sections 35182  
United States Code, Title 17, Section 117

Board of Trustees

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