

Instruction

Instructional Resources for Teachers

All District classrooms and media centers should be equipped with an evenly-proportioned, wide assortment of teaching tools, textbooks, workbooks, audio-visual materials, and equipment selected to meet the students' needs. Textbooks and instructional materials should provide quality learning experiences for students and:

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make intelligent judgments;
4. Present opposing sides of controversial issues;
5. Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;
6. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

A list of textbooks and instructional materials used in the District shall be revised annually by building administrators under the Superintendent's direction and shall be made available to the Board and professional staff as a reference. Anyone may inspect any textbook or instructional material.

Teachers are encouraged to limit the use of supplemental media material to only that which will enhance, or otherwise illustrate, the subjects being taught. All supplemental media material must be age-appropriate. Additionally, no R-rated movie shall be shown to students unless prior approval is received from the Building Principal and Superintendent and parents are notified of its nature and possible offensive content and give permission for their child, if under age 18, to view it. No NC-17 movies shall be shown under any circumstances.

(cf. 6177 - Use of Commercially Produced Video Recordings)

Legal Reference: General Education Provisions Act, 20 U.S.C. § 1232g.

Policy adopted: November 19, 2007

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut

Instruction

Testing Program

Research: Testing

A plan of system-wide testing in addition to mandated statewide assessments, shall be developed and implemented as one indication of the success and quality of the district's total educational program. In the case of individual students, standardized achievement tests, in combination with other criteria, can provide an indication of student achievement. When appropriate, students may also be tested for mental ability, aptitude and interest.

The purposes of the district-wide testing program are to facilitate and provide information for the following:

1. ***Student Achievement*** - To produce information about relative student achievement so that parents/guardians, students and teachers have a baseline against which to monitor academic progress. Within the limitations of group testing instruments, the information should be useful to serve as a validation device for other measures of student progress.
2. ***Student Counseling*** - To serve as a tool in the counseling and guidance of students for further direction and for specific academic placement.
3. ***Instructional Change*** - To provide data which will assist in the preparation of recommendations for instructional program changes to:
 - a. Help teachers with instructional decisions, plans and changes regarding classroom objectives and program implementation;
 - b. Help the professional staff formulate and recommend instructional policy; and
 - c. Help the Board of Education adopt instructional policies.
4. ***School and District Assessment*** - To provide additional indicators of the progress of the district toward established goals.

The testing program is an integral part of the district's needs assessment and evaluation programs. The program should be developed primarily for furnishing needed information to decision makers, including the Board, administrators, teachers, parents/guardians and students.

The needs of these various groups shall be clearly identified, and the testing program shall be limited to obtaining that information which is needed and useful.

Instruction

Testing Program

Research: Testing (continued)

In planning, every effort will be made to see that testing contributes to the learning process rather than detracts from it. Efforts shall be made to incorporate necessary culture-free and culture-fair tests to assure reasonably accurate measurements.

The district shall not discriminate in the methods, practices and materials used for testing, evaluating and counseling students on the basis of sex, race, national origin, creed, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

Parents shall be notified prior to any individual student testing, beyond that which is part of the regular classroom routine. Parental notification shall include the reason for the testing and an explanation of the test to be used. All such tests results shall be shared with parents.

Staff will receive in-service education in the use of designated tests, confidentiality issues and interpretation of test results.

A periodic review and evaluation of the district's testing program will be conducted.

Instruction

Testing Program

Test Exclusion

The Board of Education believes that the annual assessment of student and district progress is a vital component of the instructional process. It is recognized that some students may need to be excluded from the system-wide testing program and/or the statewide mastery testing program because of unique exceptionalities. All exclusions shall be made as a result of the Planning and Placement Team process.

Special education students shall participate in mastery testing except in the rare case when their Planning and Placement Team determines that participation would be inappropriate and recommends the use of an alternative assessment as specified by the State Board of Education.

Limited English proficient (LEP) students, including those also identified as requiring special education, who are in their first year of enrollment in a U.S. school and have been in attendance for one school year or less may be permitted to be exempt from one administration of the reading/language arts portion of the Connecticut Mastery Test (CMT) and the Connecticut Academic Progress Test (CAPT). These students must take the Language Assessment Scales (LSS-Links). No such exemption is permitted, based on federal guidelines, from the mathematics and science assessments of the CMT and CAPT. Accommodations, as provided in classroom instruction may be used.

Limited English proficient students eligible for special education due to significant cognitive impairment must be tested on the CMT/CAPT Skills Checklist, regardless of the one school year exemption option.

(cf. 6141.31 - Bilingual-Bicultural Education)
 (cf. 6141.311 - Limited English Proficiency Program)
 (cf. 6146.2 - Statewide Proficiency/Mastery Examinations)
 (cf. 6171 - Special Education)

Legal Reference: Connecticut General Statutes
 10-14n Statewide mastery examination. Conditions for reexamination.
 Limitation and use of test results.
 10-14o Compensatory education grant. Financial statement of
 expenditures
 10-14q Exceptions
 Title VII of the Improving America's Schools Act of 1994, P.L. 103-282
 34 CFR, Part 200, Regulations appearing in Federal Register, 9-13-06.

Policy adopted: November 19, 2007

THOMASTON PUBLIC SCHOOLS
 Thomaston, Connecticut

Instruction

Testing Program

Test Integrity/Test Preparation

Any certified staff member who is involved in required standardized testing shall follow all appropriate security regulations and shall report accurate scores for individuals and groups who are tested. Violations of security regulations or deliberate falsification of testing data are considered grounds for termination.

Certified employees terminated for testing violations shall be reported to the Connecticut State Department of Education for possible certification revocation proceedings.

- (cf. 4117 – Separation/Disciplinary Action)
- (cf. 417.4 – Dismissal/Suspension)
- (cf. 5131 – Conduct)
- (cf. 5143 – Cheating)
- (cf. 5144 – Discipline/Punishment)
- (cf. 6146.2 - Statewide Proficiency/Mastery Examinations)
- (cf. 6162.3-Testing Program)
- (cf. 6162.31 – Test Exclusion)

Legal Reference: Connecticut General Statutes

10-14n Statewide mastery examination. Conditions for reexamination. Limitation and use of test results. (as amended by PA 03-174 and PA 03-168)

10-14q Exceptions (as amended by PA 01-205 and PA 02-7 of May 9th Special Session)

Policy adopted: November 19, 2007

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut

Instruction

Surveys of Students (Student Privacy)

The Board of Education recognizes the staff's need to collect input from students and parents in order to assist decision-making related to curriculum and instruction, program development and operations. To this end, the Board supports the use of appropriate surveys in accordance with the guidelines contained within this policy.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Note: The term "survey" includes an evaluation.
--

Prior to administering a survey, the Board of Education must approve all those that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations, or beliefs of the student or the student's parent.

Instruction**Surveys of Students (Student Privacy) (continued)**

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

Overall survey results following decisions must be shared with all parties who request such information.

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians, or students 18 or older, have the right to “opt the student out of participation,” in writing, in the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:
 - a. College or other postsecondary education recruitment, or military recruitment;
 - b. Book clubs, magazines and programs providing access to low-cost literary products;
 - c. Curriculum and instructional materials used in schools;
 - d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
 - e. Student recognition programs; and
 - f. The sale by students of products or services to raise funds for school-related activities or education-related activities.
2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above; or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

Instruction

Surveys of Students (Student Privacy) (continued)

Note: *The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.*

The term “personal information” means individually identifiable information including a student’s or parent’s name, address, telephone number, or social security number.

Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum.

Note: *The term “instructional material” means instructional material that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include academic tests or academic assessments.*

(cf. 6141.11 - Curriculum Research/Experimental Projects)

(cf. 6161 – Equipment, Books and Materials: Provision/Selection)

(cf. 6161.1 – Evaluation/Selection of Instructional Materials)

(cf. 6161.12 – Reconsideration of Materials)

Legal Reference: P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act)

P.L. 107-110, (HR 1-“Leave No Child Behind”) § 1061/1062 – Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors. (20 U.S.C. §1232h)

Regulation 34 CFR Part 99

Policy adopted: November 19, 2007

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut

Instruction

Use of Copying Devices

Publication or Creation of Educational Materials – Copyrights: Printing and Duplication

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material and does not condone violations of the United States copyright law.

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. The Board further recognizes that severe penalties are provided for unauthorized copying of audio, visual or printed materials unless the copying falls within the bounds of “fair use.”

The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

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

The Board, therefore, requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use”, under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form.

Legal Reference: Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et seq.

Policy adopted: November 19, 2007

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut

Instruction

Use of Copying Devices and Copied Materials

General Responsibilities

1. The building Principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. He/She will provide employee training as needed, distribute and review District policy and administrative regulations with staff, control the approval process and maintain written records regarding permissions, response to requests and license agreements, as may be necessary.
2. The building Principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software and/or site licenses.
3. The building Principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of copyright law. Warning notices will be posted as follows:
 - a. In or near all copiers;
 - b. On all forms used to request copying services;
 - c. On all video recorders;
 - d. On all computers;
 - e. At the library/media center or other places where interlibrary loan orders for copies of materials are accepted.
4. The building Principal will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
5. All computer software license agreements must be signed by the Business Manager/Technology Coordinator.
6. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with District policy and administrative regulations.
7. The employee will obtain written permission to reproduce copyrighted materials whenever the copying does not fall within the “fair use” guidelines of copyright law.
8. The employee using technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to digital video, videodisk, satellite transmission, distance learning, CD-ROM, on line databases, informational networks, and other emerging electronic information which can be manipulated into new copyrightable forms of expression.

Instruction

Use of Copying Devices and Copied Materials (continued)

Guidelines to Follow

The Copyright Law (Public Law 94-553) requires that all employees honor the following guidelines for classroom copying. Failure to do so could expose the employee and the school system to legal challenge and possible monetary damages.

Books and Periodicals

1. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book.
- B. An article from a periodical or newspaper.
- C. A short story, short essay or short poem, whether or not from a collective work.
- D. A chart, graph, diagram, drawing, cartoons or pictures from a book, periodical, or newspaper.

2. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher for classroom use or discussion, provided that:

- A. The copying meets the test of brevity and spontaneity as defined below.
- B. The copying meets the cumulative effect test as defined below.
- C. Each copy includes a notice of copyright.

3. Definitions

A. Brevity

- (1) **Poetry:** A complete poem of 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.
- (2) **Prose:** Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work or not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Instruction

Use of Copying Devices and Copied Materials (continued)

Definitions (continued)

- (3) **Illustration:** One chart, graph, diagram, drawing, cartoons or pictures per book or per periodical issue.
- (4) **“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 more general audience and fall short of 2,500 words in their entirety. Subparagraph (2) above notwithstanding, 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.

B. Spontaneity

- (1) The copying is at the instance and inspiration of the individual teacher.
- (2) 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.

C. Cumulative Effect

- (1) The copying of the material is for only one course in the school in which copies are made.
- (2) Not more than one short poem, article, story, essay or two excerpts may be copied from neither the same author, nor more than three from the same collective work or periodical volume during one class term.
- (3) There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitation stated in (2) and (3) above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

Instruction

Use of Copying Devices and Copied Materials (continued)

4. Prohibitions

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

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and similar consumable material.
- C. Copying shall not
 - (1) Substitute for the purchase of books, publishers' reprints or periodicals.
 - (2) Be directed by higher authority.
 - (3) Be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

Educational Uses of Music (Sheet and Recorded Music)

1. Permissible Uses

- A. Emergency copying to replace purchased copies, which for any reason are not available, for an imminent performance provided purchased replacement copies shall be substituted in due course.
- B. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.

For academic purposes other than performances, a single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Uses of Music (Sheet and Recorded Music) (continued)

- C. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- D. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recording owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright, which may exist in the case of sound recording.)

2. Prohibitions

- A. Copying to create or replace or substitute for anthologies, compilations, or collective works.
- B. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises standardized tests and answer sheets and similar material.
- C. Copying for the performance, except as in 1.A. above.
- D. Copying for the purpose of substituting for the purchase of music, except as in 1.A. and 1.B. above.
- E. Copying without inclusion of the copyright notices which appears on the printed copy.

Reproduction by Libraries

It is not a copyright infringement for a library, or any of its employees acting within the scope of their employment, to reproduce or distribute not more than one copy of a work, provided:

1. The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
2. The collections of the library or archives are open to the public or available not only to researchers affiliated with the library or archives, but also to other persons doing research in a specialized field.

Instruction

Use of Copying Devices and Copied Materials (continued)

Reproduction by Libraries (continued)

3. The reproduction or distribution of the work includes a notice of copyright.

The reproduction of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group, is not authorized.

Libraries are generally exempt from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law.

Off-Air Recording of Broadcast Programming

In the absence of special licensing agreement, the following guidelines for videotaping broadcast programming apply.

1. Commercial Broadcast Programming

Broadcast programs are television programs transmitted by television stations for reception by the general public without charge.

- A. A broadcast program may be recorded off-air simultaneously with its transmission (including simultaneous cable retransmission) and retained for a period not to exceed the first 45 consecutive calendar days after the date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately.
- B. 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, in classrooms and other instruction spaces. This use must occur within the first 10 consecutive school days in the 45 calendar day retention period. "School days" are school session days-not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions.
- C. 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.
- D. 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.

Instruction

Use of Copying Devices and Copied Materials (continued)

Commercial Broadcast Programming (continued)

- E. 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 is subject to all of the provisions governing the original recording.
- F. After the first 10 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.
- G. Off-air recording need not be used in their entirety but may not be altered from their original content. They may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- H. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

2. Public Broadcast Programming

Video tape recorders may be used under the following conditions:

- A. School rerecordings may be made only by students, teachers and faculty or staff members.
- B. School rerecordings will be used solely for classroom, auditorium or laboratory exhibition in the course of classroom instruction or related educational activities.
- C. School rerecordings will be used only in the educational institution for which made, and will not be given away, loaned, or otherwise made available outside the school.
- D. School rerecordings will be used only during the seven-day period of local Educational Television TV and other educational broadcast licensed by the distribution agency, and will be erased or destroyed immediately at the end of that seven-day period except to the extent specifically authorized in writing in advance by the distribution agency.

(This statement was prepared for public school adoption by the following agencies: Public Broadcasting Service; Great Plains Instructional Television Library; Agency for Instructional Television; Public Television Library.)

Instruction

Use of Copying Devices and Copied Materials (continued)

Showing Audiovisual Works in Non-Profit Institutions

1. Permissible uses

- A. They must be shown as part of the instructional program.
- B. They must be shown by students, instructors, or guest lecturers.
- C. They must be shown either in a classroom or other school location devoted to instruction such as a studio workshop, library, gymnasium, or auditorium if that space is used for instruction.
- D. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
- E. They must be shown only to students and educators.
- F. They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

2. Prohibited use

- A. The works are used for entertainment, recreation, or even for cultural or intellectual value but are unrelated to teaching activity.
- B. They are shown in an auditorium or stadium before an audience not confined to students, such as a sporting event, graduation ceremony, or community lecture or arts series.
- C. They involve an illegally acquired or duplicated copy of the work.

(Guidelines from Section 110(1) and 110(4) of Copyrights Act and House Report)

Copyrighted Computer Software

1. Copying computer software

Because, of the complexity of computer software licensure, the user is advised to read and abide by the license agreement, which accompanies the software.

The owner of a copy of a computer program may make or authorize the making of another copy or adaptation of the program provided:

Instruction

Use of Copying Devices and Copied Materials (continued)

Copying computer software (continued)

- A. That such 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 new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful. (United States Code, Section 117, Title 17 paraphrased)
- C. It is illegal to make duplicate copies of a computer program for distribution to and use by anyone other than the owner of the master copy. Archival copies should be stored in a secure location with appropriate heat and humidity controls.
- D. Archival copies should be stored in a secure location with appropriate heat and humidity controls.

2. Using Computer Software (copyrighted and shareware)

- A. In the absence of special licensure, computer programs purchased as single-machine versions may not be downloaded into multiple computers simultaneously either physically (sequential booting) or electronically (on a network).
- B. District computers may not be used to make illegal copies of copyrighted computer software.
- C. In public areas, which have computers capable of copying software, this warning should be displayed: Many computer programs are protected by copyright. Unauthorized copying may be prohibited by law.
- D. Users wishing to use a disk (program or data disks) brought from outside of the building must check the disk(s) for viruses prior to using the disk(s) in school computers.
- E. Users may not load software onto the district's computer hard drives or networks without prior approval.

Instruction

Use of Copying Devices and Copied Materials (continued)

Using Computer Software (copyrighted and shareware) (continued)

- F. Users must abide by policies, regulations, and guidelines for using networks. A network is any means by which computers, computer services, and related technologies are linked. It includes, but is not limited to, local, wide-area, commercial, and the Internet networks.

3. Computer Licenses

- A. The Business Manager is responsible for negotiating and signing licensing agreements for computer software, hardware, or networks. Individuals and individual schools shall refrain from entering into licensing agreements.

Downloadable Programming

Current guidelines for the educational use of electronic transmissions from off-site technology are not well defined. The following recommendations preserve the intent and spirit of copyright law and fair use guidelines.

- A. Technology should not be used to capture licensed programming illegally.
- B. Captured, off-site transmissions should be used for face-to-face instruction, not entertainment.
- C. When programming requires special licensing, the terms of the license must be observed, including taping and duplication rights.

Educational Multimedia

Introduction

Under the Copyright Act of 1976, copyright owners have the exclusive right to reproduce, prepare derivative works, distribute, perform, display, transfer ownership, rent or lend their creations. Under the same Act, the "fair use" exemption places a limit on these exclusive rights to promote free speech, learning, scholarly research and open discussion. Accordingly, under the Act, educators may use portions of copyrighted material if the purpose and character of the use is educational in nature, previously published, not a substantial part of the entire work and if the marketability of the work is not impaired by the use.

Instruction

Use of Copying Devices and Copied Materials

Educational Multimedia (continued)

Introduction (continued)

Many technological developments have occurred since 1976. The fair use exemption contained in the Copyright Act must again be interpreted by copyright owners and the educational community to allow educators to apply the Act in light of these new technologies.

The following guidelines do not represent a legal document, nor are they legally binding. They do represent an agreed upon interpretation of the fair use provisions of the Copyright Act by the overwhelming majority of institutions and organization affected by educational multimedia.

Definitions

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects which are created by educators or students as part of a systematic learning activity by nonprofit educational institutions. **Educational multimedia projects** created under these guidelines incorporate students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text material, graphics, illustrations, photographs and digital software which are combined into an integrated presentation. **Educational institutions** are defined as nonprofit organizations whose primary focus is supporting research and instructional activities of educators and students for noncommercial purposes.

For the purposes of the guidelines, educators include faculty, teachers, instructors, and others who engage in scholarly research and instructional activities for educational institutions. The copyrighted works used under these guidelines are **lawfully acquired** if obtained by the institution or individual through lawful means such as purchase, gift or license agreement but not pirated copies. Educational multimedia projects which incorporate portions of copyrighted works under these guidelines may be used only for **educational purposes** in systematic learning activities including use in connection with non-commercial curriculum-based learning and teaching activities by educators to students enrolled in courses at nonprofit educational institutions or otherwise permitted under Section 3. While these guidelines refer to the creation and use of educational multimedia projects, readers are advised that in some instances other fair use guidelines such as those for off-air taping may be relevant.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

1. Preparation of Educational Multimedia Projects using Portions of Copyrighted Works.

These uses are subject to the Portion Limitations listed in Section 3. They should include proper attribution and citation as defined in Section 5.B.

A. By Students:

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

B. By Educators for Curriculum-Based Instruction:

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

2. Permitted uses of Educational Multimedia Programs Created under these guidelines

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying, and Distribution Limitations listed in Section 3.

A. Student Use:

Students may perform and display their own educational multimedia projects created under Section I of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

B. Educator use for Curriculum-Based Instruction

Educators may perform and display their own educational multimedia projects created under Section I for curriculum-based instruction to students in the following situations:

1. For face-to-face instruction,
2. Assigned to students for directed self-study,

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

B. Educator use for Curriculum-Based Instruction (continued)

3. For remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

If the educational institution's network or technology used to access the educational multimedia project created under Section I of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they be not permitted to make their own copies of the multimedia project.

C. Educator Use for Peer Conferences

Educators may perform or display their own multimedia projects created under Section I of these guidelines in presentations to their peers, for example, at workshops and conferences.

D. Educator Use for Professional Portfolio

Educators may retain educational multimedia projects created under Section I of these guidelines in their personal portfolios for later personal uses such as tenure review job interviews.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

3. Limitations - Time, Portion, Copying and Distribution

The preparation of educational multimedia projects incorporating copyrighted works under Section 1, and the use of such projects under Section 2, are subject to the limitations noted below.

A. Time Limitations:

Educators may use their educational multimedia projects created for educational purposes under Section I of these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section 2.A.

B. Portion Limitations:

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. In the aggregate means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limits apply cumulatively to each educator or student's multimedia project(s) for the same academic semester, cycle or term.

All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Section 3.A and 4.C should comply with the portion limitations in this section.

1. Motion Media

Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

2. Text Material

Up to 10% or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three excerpts by a poet or five excerpts by different poets from a single anthology may be used.

3. Music, Lyrics, and Music Video

Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section 1. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

4. Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 1. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 1.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

5. Numerical Data Sets

Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section I of these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

C. Copying and Distribution Limitations

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted by Section 2, there may be no more than two use copies only one of, which may be placed on reserved as described in Section 2.B.3.

An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy but only for the purposes described in Sections 2.C and 2.D for educators and Section 2.A for students.

4. Examples of When Permission Is Required

A. Using Multimedia Projects for Non-Educational or Commercial Purposes

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

B. Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distribution beyond the limitations listed in Section 3.C.

Instruction

Use of Copying Devices and Copied Materials (continued)

Educational Multimedia (continued)

C. Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section 2.B.3, without obtaining permissions for all copyrighted works incorporated in the program.

5. Important Reminders

A. Caution in Downloading Material from the Internet

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

B. Attribution and Acknowledgment

Educators and students are reminded to credit the sources and display the copyright notice “C” and copyright ownership information if this is shown in the original source, for all works incorporated as part of the educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright ownership information includes the copyright notice “C”, year of first publication and name of the copyright holder).

Instruction

Use of Copying Devices and Copied Materials

Educational Multimedia (continued)

B. Attribution and Acknowledgment (continued)

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project (e.g. credit section) except for images incorporated into the project for the uses described in Section 2.B.3. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when, and to the extent, such information is reasonably available; credit and copyright notice information is considered “incorporated” if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyrights ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information being simultaneously displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.

C. Notice of Use Restrictions

Educators and students are advised that they must include on the opening screen of their multimedia program and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.

D. Future Uses Beyond Fair Use

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

E. Integrity of Copyrighted Works: Alterations

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

Instruction

Use of Copying Devices and Copied Materials

Educational Multimedia (continued)

F. Reproduction or Recompilation of Copyrighted Computer Programs

Educators and students should be aware that reproduction or recompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

G. Licenses and Contracts

Educators and students should determine whether specific copyrighted works, or other data or information is subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Legal Reference: Public Law 94-553, The Copyright Act of 1976, (17 U.S.C. subsection 101 et seq.)

House Report 94-1476, Congressional Record, September 11, 1976
(Copyright Law Revision)

NOTICES

Text of warning notice to be posted on or near copiers. It is recommended that type be at least 18 points in size:

NOTICE

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17 UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Text of warning notice to be displayed at places where orders for copies of materials are accepted by libraries/media centers or archives. Type must be at least 18 points in size; the notice printed on heavy paper or other durable material and displayed prominently within the immediate vicinity of the place where orders are accepted.

The warning is also required on any form that is used to request copying service. There are no specific requirements for type size on request forms.

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIC CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

Text of warning notice to be affixed to video recorders and computers. (There is no specific requirement for type size.)

NOTICE:

MANY VIDEOTAPED MATERIALS AND COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT (TITLE 17 UNITED STATES CODE). UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

6162.6
Appendix
(continued)

Text of warning notice to be affixed to package containing the copy of a computer program subject to loan. The notice must be printed in such a manner as to be clearly legible, prominently displayed and durably attached to the copies or to a box, reel, cartridge, cassette or other container used as a permanent receptacle for the copy of the computer program:

WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF \$150,000 OR MORE IN DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR ONE YEAR.