



COMMUNITY RELATIONS: Communication with the Public

Copyright

I. Purpose

- A. Baltimore County Public Schools (BCPS) is committed to respecting the rights of copyright holders and complying with the copyright law. This rule outlines responsibilities for the use of copyrighted materials.
- B. The purpose of this rule is to provide guidelines for: (1) using copyright-protected materials in the classroom; (2) obtaining permission to use these works for instructional purposes; and (3) outlining expectations for all BCPS employees and students.

II. Responsibilities

- A. The Superintendent has designated BCPS' Department of Innovative Learning to establish procedures to inform staff about U.S. copyright law. The department will make these procedures available on the library media Web page and provide training and support materials to library media specialists, BCPS school-based employees and students on the proper use of copyrighted materials.
- B. Each school library media specialist will act as a resource person to respond to school-based employee and student questions concerning the proper use of copyrighted materials.

III. Copyright

- A. The copyright law protects the intellectual property rights of authors or other creators by granting them exclusive rights to control how their works may be used, including the rights to reproduce, distribute, publicly perform and publicly display their work. The rights granted under the law extend to literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations.
- B. Employees and students should assume that copyright restrictions apply, unless they have determined that materials are not copyrighted or they have received the copyright holder's permission to use the copyrighted materials.

- C. Certain works may not be subject to copyright protections, including works: (1) authored by the U.S. Government; (2) originally non-copyrightable; (3) authored prior to 1923; (4) clearly marked as in the public domain; and (5) expressly authorized by a creative common license and as specified by the copyright owner.

IV. Fair Use

- A. In accordance with Section 107 of the Copyright Act, the reproduction of a copyrighted work may be considered “fair” when the work is used for such purposes as criticism, comment, news reporting, teaching, scholarship or research.
- B. In order to determine if a particular use qualifies as fair use, all of the following factors must be met:
 - 1. The purpose and character of the use (whether for commercial or nonprofit educational use);
 - 2. The nature of the copyright protected work;
 - 3. The amount and substantiality of the portion used; and
 - 4. The effect of the use upon the potential market for or value of copyrighted work.
- C. BCPS’ library media programs and digital resources will develop procedures to provide guidance on the fair use of copyrighted materials, including, but not limited to:
 - 1. Making single or multiple copies for instructional purposes;
 - 2. Copying and performing music/music scores;
 - 3. Off-air recording of broadcast programs;
 - 4. Using commercial media products;
 - 5. Copying computer software;
 - 6. Displaying multimedia/visual art;
 - 7. Using “for home use only” videotapes and DVDs; and
 - 8. Downloading and using copyrighted materials from the Internet.

V. Guidelines for Digital Distance Learning

- A. The Technology, Education and Copyright Harmonization (TEACH) Act extends the face-to-face teaching exemption to distance learning courses and enables the teacher to transmit copyrighted materials for distance education or online instruction. For the Act to apply, the performance or display must be part of the regular classroom instruction and be accessible

only to those BCPS students who are enrolled in an online/blended learning course, whether the student is on or off of school property.

- B. BCPS teachers may perform or display copyrighted works in distance education or online environment when all of the following criteria are met:
 - 1. The instructional material is directly related to the class content or instructional activity;
 - 2. The use is limited to students enrolled in the course;
 - 3. The instructional material is made by, at the direction of, or under the supervision of the teacher;
 - 4. The instructional material is comparable to the amount that is typically displayed in the course of face-to-face teaching;
 - 5. The transmission is maintained on the learning management system only for the period of time which is reasonably necessary to facilitate the learning objectives of the transmission;
 - 6. The material is acquired within the legal confines of the copyright law; and
 - 7. The following notice shall be displayed at the learning management system access point:

Courses within this learning management system may contain materials protected by copyright; any further use of this material may be in violation of federal copyright law. Under this law, materials may not be downloaded, saved, revised, copied or distributed without permission. These materials are to be used for the use of students enrolled in this course only, are limited to the course's duration and may not be further downloaded unless authorized by the instructor.

VI. Guidelines for Reproduction and Distribution of Instructional Materials for Use by Persons with Disabilities

- A. Previously published non-dramatic literary works in print and phonorecord format may be reproduced in specialized formats and distributed for exclusive use by the blind or other persons with disabilities. Specialized formats include Braille, audio or digital text.
- B. Reproduced specialized formats must include a notice identifying the copyright owner, original copyright date and warning that any further reproduction or distribution is an infringement.
- C. The office of special education will coordinate the reproduction or

distribution of these adapted instructional materials.

VII. Guidelines for Use of Student Intellectual Property

- A. BCPS will publish or produce a student's intellectual property created during school-sponsored activities and/or learning experiences in accordance with Board of Education of Baltimore County (Board) Policy and Superintendent's Rule 6202, *Technology Acceptable Use Policy (TAUP) for Students* and Board Policy and Superintendent's Rule 5230, *Student Records*.
- B. The notice of copyright shall be used when electronically publishing or producing student intellectual property.

VIII. Requesting Permission to Use Copyrighted Materials

- A. If a work is protected by the copyright law, is not in the public domain and does not meet the criteria for fair use or another exception, permission must be obtained from the copyright holder before reproducing, modifying displaying, performing or distributing the copyrighted work.
- B. Permission should be obtained prior to using those works by using the *Copyright Permission Request* form (Rule 1120, Form A).
- C. All permissions to use a copyrighted work shall be maintained by the school/office that requested the permission and shall be kept on file at least as long as the permission period and in accordance with the BCPS records retention schedule.

IX. Copyright Notice

- A. A copyright notice should include all of the following elements: (1) the symbol ©; (2) the year when the work was first published; and (3) the name of the owner of the copyright.
 - 1. BCPS Copyright Notice Example:
© 2017 Baltimore County Public Schools. All rights reserved.
Documents and related graphics may be duplicated for educational, non-profit school use only. All other uses, transmissions and duplications are prohibited unless permission is granted expressly.
 - 2. Student Copyright Notice Example:

© 2017 Johnny Smith. All rights reserved.

X. Compliance

A. Employees

All employees are expected to adhere to this rule and the copyright law and understand the compliance information provided for them on the Department of Innovative Learning Web site. Employees who fail to comply may be held personally liable for copyright infringement and subject to disciplinary action.

B. Students

Students who fail to comply with the copyright law may be subject to disciplinary action in accordance with the academic dishonesty provision in the student handbook.

Legal References: The Copyright Act of 1976, Title 17 of the United States Code, *as amended*

Related Policies: Board of Education Policy 1110, *Publications, Radio, Television and Digital Media*
Board of Education Policy 4100, *Employee Conduct and Responsibilities*
Board of Education Policy 4104, *Technology Acceptable Use Policy (TAUP) for Employees and Approved Non-Employees*
Board of Education Policy 5230, *Student Records*
Board of Education Policy 5500, *Code of Student Conduct*
Board of Education Policy 5550, *Disruptive Behavior*
Board of Education Policy 6002, *Selection of Instructional Materials*
Board of Education Policy 6202, *Technology Acceptable Use Policy (TAUP) for Students*

Board of Education Policy, Sub Series 8360, *Ethics Code*

RULE 1120

Rule

Superintendent of Schools

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