



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 standards and 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 expected compliance obligations for all BCPS employees and students.

II. Responsibilities

- A. The Superintendent has designated the office of library information services (LIS) to establish procedures to inform staff about U.S. copyright law, make these procedures available on the LIS web page, and provide training to library media specialists on the proper use of copyrighted materials.
- B. Each school library media specialist will act as a resource person to respond to staff 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; (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. LIS will develop procedures explaining fair use in the use of copyrighted material for instructional purposes including print, performance, multimedia/ visual arts, musical performances, video recording, computer software and music.

V. Guidelines for Digital Distance Learning

- A. Digital distance learning refers to education in which the instructor and participants are separated by physical space and/or time.
- B. The Technology, Education, and Copyright Harmonization (TEACH) Act facilitates and enables the performance and display of copyrighted materials for distance education or online instruction when it replaces regular classroom instruction. TEACH applies to distance education and includes participation of any enrolled BCPS student in online or hybrid courses, on

or off of school property.

C. BCPS teachers may perform or display copyrighted works in distance education or online environments 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 distance learning 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 distance learning platform 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 distance learning access point:
 - (a) This online course may contain materials used in compliance with U.S. 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 current course only, are limited to the present 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 Policy and Superintendent's Rule 6202, *Telecommunications Access to Electronic Information, Services, and Networks*.
- 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, you must obtain permission from the copyright holder in order to reproduce, modify, display, perform, or distribute 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 created; (3) the name of the owner of the copyright.

1. BCPS copyright notice example:
© 2012 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:
© 2012 Johnny Smith. All rights reserved.

X. Compliance

A. Employees

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

B. Students

1. Students who fail to comply with the copyright law will be responsible and liable for breaches of copyright arising from their own actions and may be subject to disciplinary action in accordance with the academic dishonesty provision in the student code of conduct.

Legal References: The Copyright Act of 1976, Title 17 of the United States Code, *as amended*
17 U.S.C. §110(2), *Copyright Exemptions for Distance Education* (The Technology, Education, and Copyright Harmonization Act of 2002)
17 U.S.C. §121, *Limitations on Exclusive Rights: Reproduction for Blind or Other People with Disabilities* (Chafee amendment)

RULE 1120

Related Policies: Board of Education Policy 1110, *Media, Public Relations and Publications, Events, Television, and Web Site*
Board of Education Policy 4100, *Employee Conduct and Responsibilities*
Board of Education Policy 4104, *Telecommunications Access to Electronic Information, Services, and Networks*
Board of Education Policy 5500, *Conduct*
Board of Education Policy 5550, *Disruptive Behavior*
Board of Education Policy 6002, *Selection of Instructional Materials*
Board of Education Policy 6202, *Telecommunications Access to Electronic Information, Services, and Networks*
Board of Education Policy, Sub Series 8300, *Ethics Code*

Rule

Superintendent of Schools

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