

INSTRUCTION

Copyright Compliance

While the Board encourages District staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District personnel and students to abide by the District's copyright compliance policy and obey the requirements of the 1976 Federal Copyright Law, P.L. 94-553, and subsequent amendment(s). In no circumstances shall it be permitted for employees or students of the District to violate copyright requirements in order to perform their duties. Therefore, the District requires compliance by all employees and students with the following policies in performance of assigned duties. Any conduct in violation of these policies is contrary to assigned duties and the District will not assume legal responsibility.

Printed Materials, Audio and Video Recordings:

The 1976 Federal Copyright Law makes it illegal to duplicate copyright materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties are provided for unauthorized copying and/or uses of audio, visual, or printed materials, unless the copying and/or use is within or conforms to the four factors of the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

1. **THE PURPOSE AND CHARACTER OF THE USE.** The use must be for such purposes as teaching or scholarship and must be nonprofit.
2. **THE NATURE OF THE COPYRIGHTED WORK.** Staff may make single copies of: book chapters for use in research, instruction, or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
3. **THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED.** Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
4. **THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK.** If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

The District, therefore, informs all personnel that unauthorized reproduction and/or use of copyright materials is illegal and unethical, and that violation of the copyright law may result in criminal or civil suits.

To ensure compliance with the law and to protect staff members and the Central Kitsap School District No. 401 against legal redress for alleged violations of the copyright law, the person making the reproduction and/or use of such copies must ascertain that the action is within the law.

The superintendent shall develop procedures to implement District copyright policy. The executive director of curriculum and instruction will be the District's Copyright Compliance Officer and must be contacted if, after a study of the District's administrative guidelines, there is uncertainty as to whether reproduction or use of printed, audio, video recorded materials and computer software meets the requirements of the "fair use" concept of the copyright law. The Curriculum Office will assist in obtaining authorization from the appropriate sources when this becomes necessary.

Computer Software:

To ensure the continued availability of high-quality software at reasonable prices, the Central Kitsap School District Board supports:

1. Observance of copyright laws and publisher license agreements regarding software products;
2. Prevention of the manufacture or use of unauthorized copies on school equipment; and
3. Exposure of staff and students to the legal, ethical, and practical problems caused by the illegal copying of computer software.

The Curriculum Office shall be responsible for monitoring compliance with this software policy and shall seek to obtain and monitor licensing agreements with software vendors whenever possible.

Cross Reference:

(cf 2022 Electronic Information Systems [Network])

Legal References:

17 USC 101 et seq. Federal Copyright Law of 1976 (no link)
P.L. 105-304 Digital Millennium Copyright Act of 1998

Adoption Date: September 25, 1985

Revised: May 24, 1995

Revised: May 23, 2001

Revised: February 13, 2002